

FOURTEENTH DAY

REGULAR MEETING

October 17, 2006

Minutes of the Regular Meeting of the County Legislature of Suffolk County, New York, held in the Rose Y. Caracappa Legislative Auditorium, William H. Rogers Legislature Building, Hauppauge, New York, at 9:30 a.m., pursuant to notice duly given.

The meeting was called to order at 9:35 a. m. by Presiding Officer William Lindsay. The Clerk called the roll and the following were found present: Legislators Romaine, Browning, Eddington, Montano, Alden, Barraga, Kennedy, Nowick, Horsley, Mystal, Stern, D'Amaro and Cooper.

Legislator Schneiderman arrived at 9:44 a.m.
Legislator Caracappa arrived at 10:20 a.m.
Legislator Losquadro arrived at 10:23 a.m.
Deputy Presiding Officer Viloria-Fisher arrived at 11:22 a.m.

Pledge of Allegiance.

Statements and Presentations
Public Portion

[THE MEETING WAS RECESSED AT 12:27PM AND RESUMED AT 2:30PM]

The Clerk called the roll and the following were found present: Presiding Officer Lindsay; Legislators Romaine, Schneiderman, Caracappa, Losquadro, Eddington, Montano, Alden, Barraga, Kennedy, Nowick, D'Amaro and Cooper.

Legislator Caracappa made motion for the following resolution, seconded by Legislator Barraga. The resolution was passed 12-0-0-6. Deputy Presiding Officer Viloria-Fisher and Legislators Schneiderman, Browning, Eddington, D'Amaro and Cooper were not present.

Intro. Res. No. 2103-2006

Laid on Table 9/19/2006

Introduced by Presiding Officer, on the request of the County Executive

RESOLUTION NO. 1068 -2006, TO READJUST,
COMPROMISE, AND GRANT REFUNDS AND
CHARGEBACKS ON CORRECTION OR
ERRORS/COUNTY TREASURER BY: COUNTY
LEGISLATURE #256

WHEREAS, the County Legislature of the County of Suffolk may cancel assessments and grant refunds of taxes, in the case of erroneous or improper assessments, pursuant to the provisions of the Real Property Tax Law and the Suffolk County Tax Act; and

WHEREAS, the properties represented by the item numbers or Tax Map Numbers indicated below have been erroneously or improperly assessed as appears from the certificates of Assessors of the respective towns in which said properties are situated as described below and the procedures as provided in the Real Property Tax Law have been fully complied with; now, therefore be it

RESOLVED, that the taxes for the properties represented by the Item Numbers or Tax Map Numbers as shown for the year or years specified be readjusted or refunded in full or in part in the amount set opposite each such parcel as hereinafter indicated; and

BE IT FURTHER RESOLVED, that the amount of such adjustment or refund be charged back to the respective town as provided by law.

<u>DESCRIPTION</u>	<u>Year</u>	<u>Original Tax</u>	<u>Corrected Tax</u>	<u>Chargeback or Refund, if paid</u>
BROOKHAVEN:				
0200-742.00-01.00-003.000 (ITEM #9990039)	2005/06	\$12,008.75	\$0.00	\$12,008.75
0200-534.00-05.00-032.000 (ITEM #9990018)	2005/06	\$11,769.05	\$0.00	\$11,769.05
EAST HAMPTON:				
0300-021.00-02.00-024.017	2005/06	\$50,793.65	\$0.00	\$50,793.65

DATED: October 17, 2006

APPROVED BY:

/s/ Paul Sabatino II
Chief Deputy County Executive of Suffolk County

Date: October 19, 2006

Legislator Caracappa made motion for the following resolution, seconded by Legislator Barraga. The resolution was passed 12-0-0-6. Deputy Presiding Officer Vilorio-Fisher and Legislators Schneiderman, Browning, Eddington, D'Amaro and Cooper were not present.

Intro. Res. No. 2104-2006

Laid on Table 9/19/2006

Introduced by Presiding Officer, on the request of the County Executive

RESOLUTION NO. 1069 -2006, TO READJUST,
 COMPROMISE, AND GRANT REFUNDS AND
 CHARGEBACKS ON CORRECTION OR
 ERRORS/COUNTY TREASURER BY: COUNTY
 LEGISLATURE #257

WHEREAS, the County Legislature of the County of Suffolk may cancel assessments and grant refunds of taxes, in the case of erroneous or improper assessments, pursuant to the provisions of the Real Property Tax Law and the Suffolk County Tax Act; and

WHEREAS, the properties represented by the item numbers or Tax Map Numbers indicated below have been erroneously or improperly assessed as appears from the certificates of Assessors of the respective towns in which said properties are situated as described below and the procedures as provided in the Real Property Tax Law have been fully complied with; now, therefore be it

RESOLVED, that the taxes for the properties represented by the Item Numbers or Tax Map Numbers as shown for the year or years specified be readjusted or refunded in full or in part in the amount set opposite each such parcel as hereinafter indicated; and

BE IT FURTHER RESOLVED, that the amount of such adjustment or refund be charged back to the respective town as provided by law.

<u>DESCRIPTION</u>	<u>Year</u>	<u>Original Tax</u>	<u>Corrected Tax</u>	<u>Chargeback or Refund, if paid</u>
BROOKHAVEN:				
0200-273.00-01.00-003.000 (ITEM # 8602820)	2005/06	\$175,816.11	\$0.00	\$175,816.11
0200-249.00-01.00-001.001 (ITEM # 9990045)	2005/06	\$ 11,963.00	\$0.00	\$ 11,963.00
0200-199.00-01.00-002.006 (ITEM # 9990044)	2005/06	\$ 11,963.00	\$0.00	\$ 11,963.00
0200-402.00-01.00-001.003 (ITEM # 8215682)	2004/05	\$ 6,985.18	\$0.00	\$ 6,985.18

DATED: October 17, 2006

APPROVED BY:

/s/ Paul Sabatino II
 Chief Deputy County Executive of Suffolk County

Date: October 19, 2006

Legislator Caracappa made motion for the following resolution, seconded by Legislator Barraga. The resolution was passed 12-0-0-6. Deputy Presiding Officer Vilorio-Fisher and Legislators Schneiderman, Browning, Eddington, D'Amaro and Cooper were not present.

Intro. Res. No. 2105-2006

Laid on Table 9/19/2006

Introduced by Presiding Officer, on the request of the County Executive

RESOLUTION NO. 1070 -2006, TO READJUST, COMPROMISE, AND GRANT REFUNDS AND CHARGEBACKS ON CORRECTION OR ERRORS/COUNTY TREASURER BY: COUNTY LEGISLATURE #258

WHEREAS, the County Legislature of the County of Suffolk may cancel assessments and grant refunds of taxes, in the case of erroneous or improper assessments, pursuant to the provisions of the Real Property Tax Law and the Suffolk County Tax Act; and

WHEREAS, the properties represented by the Item Numbers or Tax Map Numbers indicated below have been erroneously or improperly assessed as appears from the certificates of Assessors of the respective towns in which said properties are situated as described below and the procedures as provided in the Real Property Tax Law have been fully complied with; now, therefore be it

RESOLVED, that the taxes for the properties represented by the Item Numbers or Tax Map Numbers as shown for the year or years specified be readjusted or refunded in full or in part in the amount set opposite each such parcel as hereinafter indicated; and

BE IT FURTHER RESOLVED, that the amount of such adjustment or refund be charged back to the respective town as provided by law.

<u>DESCRIPTION</u>	<u>Year</u>	<u>Original Tax</u>	<u>Corrected Tax</u>	<u>Chargeback or Refund, if paid</u>
EASTHAMPTON:				
0300-006.00-01.00-002.000	2005/06	\$3,204.24	\$0.00	\$3,204.24

DATED: October 17, 2006

APPROVED BY:

/s/ Paul Sabatino II
Chief Deputy County Executive of Suffolk County

Date: October 19, 2006

Legislator Caracappa made motion for the following resolution, seconded by Legislator Barraga. The resolution was passed 12-0-0-6. Deputy Presiding Officer Vilorio-Fisher and Legislators Schneiderman, Browning, Eddington, D'Amaro and

Cooper were not present.

Intro. Res. No. 2135-2006
Introduced by Presiding Officer, on request of the County Executive

Laid on Table 9/19/2006

**RESOLUTION NO. 1071 -2006, TO READJUST,
COMPROMISE, AND GRANT REFUNDS AND CHARGE-BACKS
ON REAL PROPERTY CORRECTION OF ERRORS BY:
COUNTY LEGISLATURE (CONTROL #757-2006)**

WHEREAS, the Director of the Real Property Tax Service Agency, under appropriate sections of the Real Property Tax Law, will cause to have investigated and a determination made as to whether those submitted "Correction of Error" items which would amend the assessment and tax rolls shall be recommended for approval (or recommended for denial) to the Suffolk County Legislature; and

WHEREAS, the County Legislature of the County of Suffolk may cancel assessments, grant refunds of taxes in case of correction of errors on the assessment and tax rolls, and pursuant to the provisions of the Real Property Tax Law; and

WHEREAS, the properties represented by the Tax Item Number and/or Suffolk County Tax Map Number and indicated below have been duly investigated by the Real Property Tax Service Agency, and the procedures of the Real Property Tax Law having been fully complied with, together with documentation and amended tax statements placed on file with the County, as submitted by the appropriate Assessor and/or Receiver of Taxes; and

BE IT RESOLVED, that the taxes for the properties represented by the Tax Item Number and/or Suffolk County Tax Map Number, as shown, for the year or year specified be readjusted or refunded in full or part in the amount set opposite each such parcel as herein indicated; and

BE IT FURTHER RESOLVED, that the amount of such refund, if tax paid or charge-back, be made to the respective TOWN as provided by law.

RESOLUTION NO.

CONTROL# 757-2006

KEY	EXPLANATION	RPTL SEC	LIMITATIONS
A	Clerical Error	556	3 years
B	Unlawful Entry	556	3 years
C	Error in Essential Fact	556a	3 years

(A/B - Chapter 634 Laws 1976) (C - Chapter 124 Laws 1975)

Key	Town	Year	Item No.	S.C. Tax Map No.	Original *-Tax	Corrected *-Tax	Chargeback Refund, if *-Tax Paid
A	BABYLON	05/06	34-0692826	0100 12601 01 0.2	15,122.26	11,375.03	3,747.23
A	BROOKHAVEN	05/06	5620970	200 471 7 40	5,237.87	1,825.37	3,412.50
A	BROOKHAVEN	05/06	8012841	200 688 2 5	110,728.76	58,885.75	51,843.01
A	BROOKHAVEN	05/06	8515111	200 850 6 42.2	379,099.13	349,869.64	29,229.49
C	RIVERHEAD	05/06	N/A	600 20 7 2	9,209.44	2,645.43	6,564.01
A	SOUTHAMPTON	04/05	N/A	900 347 1 29.1	6,626.22	3,893.20	2,733.02
A	SOUTHAMPTON	05/06	N/A	900 347 1 29.1	9,685.64	4,325.55	5,360.09

*As Provided and Requested By Town Assessor or Receiver of Taxes

DATED: October 17, 2006

APPROVED BY:

/s/ Paul Sabatino II
 Chief Deputy County Executive of Suffolk County

Date: October 19, 2006

Legislator Caracappa made motion for the following resolution, seconded by Legislator Barraga. The resolution was passed 12-0-0-6. Deputy Presiding Officer Viloría-Fisher and Legislators Schneiderman, Browning, Eddington, D’Amaro and Cooper were not present.

Intro. Res. No. 2124-2006 Laid on Table 9/19/2006
Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 1072 –2006, AMENDING THE 2006 ADOPTED OPERATING BUDGET TO ACCEPT AND APPROPRIATE 100% ADDITIONAL FEDERAL AND STATE AID FROM THE NEW YORK STATE OFFICE OF ALCOHOLISM AND SUBSTANCE ABUSE SERVICES TO VARIOUS CONTRACT AGENCIES FOR A COST OF LIVING ADJUSTMENT (COLA)

WHEREAS, the 2006-07 New York State Legislative Enacted Budget included a 2.8 percent cost of living adjustment (COLA) for certain chemical dependence and compulsive gambling treatment and prevention programs, effective October 1, 2006; and

WHEREAS, this COLA was calculated on the approved eligible State Aid by provider and was added to each eligible provider’s funded program; and

WHEREAS, this NYS Legislation requires that this funding be used to promote the recruitment and retention of staff or to respond to other critical non-personal service costs; and

WHEREAS, this unallocated 100% additional Federal and State Aid from the New York State Office of Alcoholism and Substance Abuse Services is not currently included in the 2006 Adopted Operating Budget; now, therefore be it

1st RESOLVED, that the County Comptroller and the County Treasurer be and they hereby are authorized to accept and appropriate this 100% additional Federal and State Aid funding as follows:

<u>REVENUES</u>	<u>\$59,560</u>
001- 3486 State Aid: Narcotics Addition Control	\$29,733
001- 3488 State Aid: Compulsive Gambling	\$ 2,885
001- 4491 Federal Aid: Alcoholism	\$26,942

ORGANIZATIONS

Department of Health Services
Division of Community Mental Hygiene Services
001-HSV-4310-4980

PSEUDO AGENCY/CONTRACT NAME +/- CHANGE

ADZ1	CONCEPTS FOR NARCOTICS PREVNT	+\$1,719
AUG1	TOWN OF HUNTINGTON/STARSHINE	+\$3,383
AQX2	SOUTHMPN ALTERNATIVES/EAST END	+\$4,683
AYU1	YMCA OF L I INC	+\$4,269
ATC1	TOWN OF BABYLON NARC GUID CNC	+\$2,560
AVH1	TOWN OF SMITHTOWN/HORIZONS	+\$3,476
ADU1	COMSEWOGUE PBLC SCHOOLS UFSD	+\$ 134
ABZ1	BRENTWOOD UFSD#12	+\$1,112
AYA1	WEST BABYLON UFSD #2	+\$ 134
AFM2	DRUG ABUSE PREVENTION COUNCIL	+\$ 33
AED1	CONNETQUOT CSD	+\$ 430
ANH1	PATCHOGUE-MEDFORD UFSD #24	+\$ 931
AJN2	ISLIP UNION FREE SCHOOL DIST	+\$ 75
AON1	RIVERHEAD SCHOOL DISTRICT	+\$ 88
AIJ1	HAMPTON COUNCIL OF CHURCHES	+\$1,600
AOH1	RIVERHEAD COMMUNITY AWARENESS	+\$ 980
ABN1	BOCES II	+\$7,572
ACN4	CATHOLIC CHARITIES TALBOT HOUSE	+\$9,298
AET2	CTH CHARITY CHEM DEPENDENCY CLINIC	+\$1,292
AKT1	ST CHRISTOPHER OTTILE	+\$3,987
AAA2	ACCESS-TOWN OF ISLIP	+\$ 933
AUT1	TOWN OF ISLIP/ACCESS	+\$1,801
AJF1	ISLIP ACCESSO CLINIC	+\$2,047
GGX1	THREE VILLAGE CSD	+\$ 312
AIS2	HUGS INC	+\$ 104
ANL9	PEDERSON-KRAG COMPULSIVE GAMBLING	+\$1,573
ANL7	PEDERSON-KRAG CLINIC INC	+\$2,012
AGW1	FAMILY SERVICE LEAGUE	+\$1,139
HKC1	SOUTH OAKS HOSPITAL	+\$1,312
AJR1	J MATHER MEMORIAL HOSPITAL	+\$ 571

and be it further

2nd RESOLVED, that the County Executive be and hereby is authorized to execute a contract with each of the above-named agencies; and be it further

3rd RESOLVED, that this Legislature, being the lead agency under SEQRA and Chapter 279 of the Suffolk County Code, hereby determines that this resolution constitutes a Type II action.

DATED: October 17, 2006

APPROVED BY:

/s/ Paul Sabatino II
 Chief Deputy County Executive of Suffolk County

Date: October 19, 2006

Legislator Caracappa made motion for the following resolution, seconded by Legislator Barraga. The resolution was passed 12-0-0-6. Deputy Presiding Officer Viloria-Fisher and Legislators Schneiderman, Browning, Eddington, D’Amaro and Cooper were not present.

Intro. Res. No. 2126-2006
Introduced by Presiding Officer, on request of County Executive

Laid on Table 9/19/2006

RESOLUTION NO. 1073 -2006, ACCEPTING AND APPROPRIATING 100% GRANT FUNDS FROM THE NEW YORK STATE OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE TO THE SUFFOLK COUNTY DEPARTMENT OF SOCIAL SERVICES TO CONTINUE THE “EMPLOYMENT SHUTTLE PROGRAM”

WHEREAS, the New York State Office of Temporary and Disability Assistance has awarded a 100% grant in the amount of \$75,904 designated for “Community Solutions for Transportation” for the continuation of the Employment Shuttle Program by the Department of Social Services; and

WHEREAS, the goal of the Employment Shuttle Program is to assist homeless families and other families with employment-related transportation needs to achieve employment and self-sufficiency by overcoming transportation barriers; and

WHEREAS, the Employment Shuttle Program provides for the operation of shuttle vans by the Education and Assistance Corporation (EAC) to provide transportation to places of employment, vocational training, work preparation sites and day care centers to promote employment; and

WHEREAS, this program is 100% funded and it is in the best interest of Suffolk County to provide transportation assistance to clients for purposes of obtaining and maintaining employment; now, therefore be it

1st RESOLVED, that the County Comptroller and County Treasurer be and they are hereby authorized to accept the following funds:

<u>REVENUES:</u>		<u>\$75,904</u>
001-4610	FEDERAL AID: Social Services Administration	\$75,904

and be it further

2nd RESOLVED, that total funds in the amount of \$75,904 be and are hereby appropriated as follows:

<u>ORGANIZATIONS:</u>	<u>\$75,904</u>
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Department of Social Services
Client Benefits Administration
001-DSS-6015

4000 – Contractual Expenses

\$75,904

**4980 – GVO1– EAC: Employment Shuttle Program
75,904**

and be it further

3rd RESOLVED, that any unexpended funds be reappropriated in the 2007 Operating Budget; and be it further

4th RESOLVED, that the County Executive and the Commissioner of Social Services be and they are hereby are authorized to execute a contract with the Education and Assistance Corporation for the Employment Shuttle Program.

DATED: October 17, 2006

APPROVED BY:

/s/ Paul Sabatino II
Chief Deputy County Executive of Suffolk County

Date: October 19, 2006

Legislator Caracappa made motion for the following resolution, seconded by Legislator Barraga. The resolution was passed 12-0-0-6. Deputy Presiding Officer Viloría-Fisher and Legislators Schneiderman, Browning, Eddington, D’Amaro and Cooper were not present.

Intro. Res. No. 2128-2006

Laid on Table 9/19/2006

Introduced by Presiding Officer, on request of County Executive

RESOLUTION NO. 1074 -2006, ACCEPTING AND APPROPRIATING \$100,000 IN 100% GRANT FUNDING FROM THE NEW YORK STATE OFFICE OF CHILDREN AND FAMILY SERVICES FOR THE CONTINUATION OF THE “HOME BASE V PROGRAM” IN THE DEPARTMENT OF SOCIAL SERVICES

WHEREAS, the New York State Office of Family and Children’s Services has designated Suffolk County as the recipient of 100% Federal funding in the amount of \$100,000 to continue the Family Service League’s Home Base V Program; and

WHEREAS, the purpose of the grant is to fund services for the prevention of detention placements and Persons In Need of Supervision (PINS) referrals; and

WHEREAS, the Home Base V Program specifically targets children and youth with emotional and behavioral disabilities, providing coordinated community-based services and

support in order to avoid placement and PINS referrals; and

WHEREAS, children and youths will be referred to this program by the staff of the Alternatives for Youth (AFY) program; and

WHEREAS, this program is 100% funded; and

WHEREAS, it is in the best interest of Suffolk County to accept these funds; now, therefore be it

RESOLVED, that the County Comptroller and County Treasurer be and they hereby are authorized to accept the following funds:

<u>REVENUES:</u>		<u>\$100,000</u>
001-4610	FEDERAL AID: Administration	100,000

and be it further

RESOLVED, that total funds in the amount of \$100,000 be and they are hereby appropriated as follows:

<u>ORGANIZATIONS:</u>		<u>\$100,000</u>
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**Department of Social Services
Family and Children's Services**

001-DSS-6010

<u>4000 – Contractual Expenses</u>		<u>\$100,000</u>
4980 – HKJ1 – Family Service League: Home Base V Program		100,000

and be it further

RESOLVED, that any unexpended funds be reappropriated in the 2007 Operating Budget, and will be fully expended by June 30, 2007 in conformance with the terms of the grant award; and be it further

RESOLVED, that the County Executive and the Commissioner of Social Services be and they hereby are authorized to execute a contract with the Family Service League for the Home Base V Program.

Date: October 19, 2006

Legislator Caracappa made motion for the following resolution, seconded by Legislator Barraga. The resolution was passed 12-0-0-6. Deputy Presiding Officer Viloria-Fisher and Legislators Schneiderman, Browning, Eddington, D’Amaro and Cooper were not present.

Intro. Res. No. 2106-2006

Laid on Table 9/19/2006

Introduced by Presiding Officer, on the request of the County Executive

RESOLUTION NO. 1076 -2006, AUTHORIZING THE SALE, PURSUANT TO LOCAL LAW 16-1976, OF REAL PROPERTY ACQUIRED UNDER SECTION 46 OF THE SUFFOLK COUNTY TAX ACT STEVEN B. VENSKY and MARY VENSKY (SCTM NO. 0100-042.00-01.00-048.000)

WHEREAS, the COUNTY OF SUFFOLK acquired the following described parcel:

ALL, that certain plot, piece or parcel of land, with any buildings and improvements thereon erected, situate, lying and being in the Town of Babylon, County of Suffolk, and State of New York, described on the Tax Map of the Suffolk County Real Property Tax Service Agency as

District 0100, Section 042.00, Block 01.00, Lot 048.000, and acquired by tax deed on June 16, 2004, from John C. Cochrane, the County Treasurer of Suffolk County, New York, and recorded on June 24, 2004, in Liber 12326, at Page 758, and otherwise known as and by Town of Babylon, known and designated as Lots No. 642, 643, 644 and the westerly one-half of Lot 645 on a certain map entitled, “Map of Deer Park Gardens, Section 2, at Deer Park, Town of Babylon, Suffolk County, New York, George H. Walbridge, C.E. and Surveyor, property of Gleeland Associates” which map was filed in the Office of the Clerk of Suffolk County on March 11, 1927 as Map No. 137; and

FURTHER, notwithstanding the above description, it is the intention of this conveyance to give title only to such property as was acquired by the County of Suffolk by Tax Deed on June 16, 2004, from John C. Cochrane, the County Treasurer of Suffolk County, New York, and recorded on June 24, 2004 in Liber 12326 at Page 758.

WHEREAS, in accordance with Suffolk County Local Law 16-1976, provision has been made for the sale of such real property acquired by the County through tax sale; and

WHEREAS, STEVEN B. VENSKY and MARY VENSKY have made application of said above described parcel and STEVEN B. VENSKY and MARY VENSKY have paid the application fee and \$32,845.28, as payment of taxes, penalties, interest, recording fees, and any other charges due the County of Suffolk, pursuant to Local Law, by applicant, through November 30, 2006; and

1st RESOLVED, this Legislature, being the State Environmental Quality Review Act (SEQRA) Lead Agency, hereby finds and determines that adoption of this law is not an action within the meaning of the State Environmental Quality Review Act and the regulations adopted thereto. See 6 N.Y.C.R.R. Section 617.2(b) (2). The Legislature further finds and

determines that even if the adoption of the local law is an action within the meaning of SEQRA, the adoption of law is a Type II action constituting a legislative decision in connection with routine or continuing agency administration and management, not including new programs or major reordering of priority. See 6 N.Y.C.R.R. Section 617.13(d) (15) and (21). As a Type II action, the Legislature has no further responsibilities under SEQRA 6 N.Y.C.R.R. Section 617.5(a)(1); and be it further

2nd RESOLVED, that Director Patricia B. Zielenski, and/or her designee, be and he hereby is authorized to execute and acknowledge a Quitclaim Deed to STEVEN B. VENSKY and MARY VENSKY, 242 Gleeland Street, Deer Park, New York 11729, to transfer the interest of Suffolk County in the above described property and on the above described terms.
DATED: October 17, 2006

APPROVED BY:

/s/ Paul Sabatino II
Chief Deputy County Executive of Suffolk County

Date: October 19, 2006

Legislator Caracappa made motion for the following resolution, seconded by Legislator Barraga. The resolution was passed 12-0-0-6. Deputy Presiding Officer Vilorio-Fisher and Legislators Schneiderman, Browning, Eddington, D'Amaro and Cooper were not present.

Intro. Res. No. 2107-2006 Laid on Table 9/19/2006
Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 1077 -2006, AUTHORIZING THE SALE, PURSUANT TO LOCAL LAW 16-1976, OF REAL PROPERTY ACQUIRED UNDER SECTION 46 OF THE SUFFOLK COUNTY TAX ACT PAUL V. SAMUELS and NEANA L. SAMUELS as Executors of the Estate of Moses Samuels (SCTM NO. 0200-453.00-02.00-034.000)

WHEREAS, the COUNTY OF SUFFOLK acquired the following described parcel:

ALL, that certain plot, piece or parcel of land, with any buildings and improvements thereon erected, situate, lying and being in the Town of Brookhaven, County of Suffolk, and State of New York, described on the Tax Map of the Suffolk County Real Property Tax Service Agency as District 0200, Section 453.00, Block 02.00, Lot 034.000, and acquired by tax deed on August 8, 2005, from John C. Cochrane, the County Treasurer of Suffolk County, New York, and recorded on August 15, 2005, in Liber 12403, at Page 637, and otherwise known as and by Town of Brookhaven, Gordon Hts 1450 Sec 9 18 NE 19 x 150 & Cen 101'; and

FURTHER, notwithstanding the above description, it is the intention of this conveyance to give title only to such property as was acquired by the County of Suffolk by Tax Deed on August 8, 2005, from John C. Cochrane, the County Treasurer of Suffolk County, New York, and recorded on August 15, 2005 in Liber 12403 at Page 637.

WHEREAS, in accordance with Suffolk County Local Law 16-1976, provision has been made for the sale of such real property acquired by the County through tax sale; and

WHEREAS, NEANA L. SAMUELS has made application of said above described parcel and NEANA L. SAMUELS has paid the application fee and \$1,426.83, as payment of taxes, penalties, interest, recording fees, and any other charges due the County of Suffolk, pursuant to Local Law, by applicant, through November 30, 2006; and

1st RESOLVED, this Legislature, being the State Environmental Quality Review Act (SEQRA) Lead Agency, hereby finds and determines that adoption of this law is not an action within the meaning of the State Environmental Quality Review Act and the regulations adopted thereto. See 6 N.Y.C.R.R. Section 617.2(b) (2). The Legislature further finds and determines that even if the adoption of the local law is an action within the meaning of SEQRA, the adoption of law is a Type II action constituting a legislative decision in connection with routine or continuing agency administration and management, not including new programs or major reordering of priority. See 6 N.Y.C.R.R. Section 617.13(d) (15) and (21). As a Type II action, the Legislature has no further responsibilities under SEQRA 6 N.Y.C.R.R. Section 617.5(a)(1); and be it further

2nd RESOLVED, that Director Patricia B. Zielenski, and/or her designee, be and he hereby is authorized to execute and acknowledge a Quitclaim Deed to PAUL V. SAMUELS and NEANA L. SAMUELS as Executors of the Estate of Moses Samuels, c/o Jerome Samuels, 5 Abby Lane, Mastic, New York 11950, to transfer the interest of Suffolk County in the above described property and on the above described terms.

DATED: October 17, 2006

APPROVED BY:

/s/ Paul Sabatino II
Chief Deputy County Executive of Suffolk County

Date: October 19, 2006

Legislator Caracappa made motion for the following resolution, seconded by Legislator Barraga. The resolution was passed 12-0-0-6. Deputy Presiding Officer Vitoria-Fisher and Legislators Schneiderman, Browning, Eddington, D'Amaro and Cooper were not present.

Intro. Res. No. 2108-2006 Laid on Table 9/19/2006
Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. 1078 -2006, AUTHORIZING THE
SALE,
PURSUANT TO LOCAL LAW 16-1976, OF REAL
PROPERTY ACQUIRED UNDER SECTION 46 OF THE SUFFOLK
COUNTY TAX ACT BEEBE N. BIRTLES a/k/a BEBE N.
BIRTLES (SCTM NO. 0400-143.00-03.00-088.000)**

WHEREAS, the COUNTY OF SUFFOLK acquired the following described parcel:

ALL, that certain plot, piece or parcel of land, with any buildings and improvements thereon erected, situate, lying and being in the Town of Huntington, County of Suffolk, and State of New York, described on the Tax Map of the Suffolk County Real Property Tax Service Agency as District 0400, Section 143.00, Block 03.00, Lot 088.000, and acquired by tax deed on May 2, 2006, from Angie M. Carpenter, the County Treasurer of Suffolk County, New York, and recorded on May 4, 2006, in Liber 12448, at Page 543, and otherwise known as and by Town of Huntington, known and designated as Part of Lot 32 and Part of Lot 33, on a certain map entitled, "Map of Oakwood Park," and filed in the Office of the Clerk of Suffolk County on June 19, 1907 as Map No. 548; and

FURTHER, notwithstanding the above description, it is the intention of this conveyance to give title only to such property as was acquired by the County of Suffolk by Tax Deed on May 2, 2006, from Angie M. Carpenter, the County Treasurer of Suffolk County, New York, and recorded on May 4, 2006 in Liber 12448 at Page 543.

WHEREAS, in accordance with Suffolk County Local Law 16-1976, provision has been made for the sale of such real property acquired by the County through tax sale; and

WHEREAS, BEEBE N. BIRTLES a/k/a BEBE N. BIRTLES, has made application of said above described parcel and BEEBE N. BIRTLES a/k/a BEBE N. BIRTLES, has paid the application fee and will be paying \$28,733.25 as payment of taxes, penalties, interest, recording fees, and any other charges due the County of Suffolk, pursuant to Local Law by applicant through the date of deed transfer by redemption process, in addition to any and all other charges due the County of Suffolk to the date of the closing; and

1st RESOLVED, this Legislature, being the State Environmental Quality Review Act (SEQRA) Lead Agency, hereby finds and determines that adoption of this law is not an action within the meaning of the State Environmental Quality Review Act and the regulations adopted thereto. See 6 N.Y.C.R.R. Section 617.2(b)(2). The Legislature further finds and determines that even if the adoption of the local law is an action within the meaning of SEQRA, the adoption of the law is a Type II action constituting a legislative decision in connection with routine or continuing agency administration and management, not including new programs or major reordering of priority. See 6 N.Y.C.R.R. Section 617.13(d)(15) and (21). As a Type II action, the Legislature has no further responsibilities under SEQRA 6 N.Y.C.R.R. Section 617.5(a)(1); and be it further

2nd RESOLVED, that Director Patricia B. Zielenski, and/or her designee, be and he hereby is authorized to execute and acknowledge a Quitclaim Deed to BEEBE N. BIRTLES a/k/a BEBE N. BIRTLES, 3 Hammond Road, East Northport, New York 11731, to transfer the interest of Suffolk County in the above described property and on the above described terms.

DATED: October 17, 2006

APPROVED BY:

/s/ Paul Sabatino II
Chief Deputy County Executive of Suffolk County

Date: October 19, 2006

Legislator Caracappa made motion for the following resolution, seconded by Legislator Barraga. The resolution was passed 12-0-0-6. Deputy Presiding Officer Vilorio-Fisher and Legislators Schneiderman, Browning, Eddington, D'Amato and Cooper were not present.

Intro. Res. No. 2109-2006 Laid on Table 9/19/2006
Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 1079 -2006, AUTHORIZING THE SALE, PURSUANT TO LOCAL LAW 16-1976, OF REAL PROPERTY ACQUIRED UNDER SECTION 46 OF THE SUFFOLK COUNTY TAX ACT SERGIO A. ACAJABON (SCTM NO. 0400-159.00-03.00-069.002)

WHEREAS, the COUNTY OF SUFFOLK acquired the following described parcel:

ALL, that certain plot, piece or parcel of land, with any buildings and improvements thereon erected, situate, lying and being in the Town of Huntington, County of Suffolk, and State of New York, described on the Tax Map of the Suffolk County Real Property Tax Service Agency as District 0400, Section 159.00, Block 03.00, Lot 069.002, and acquired by tax deed on May 2, 2006, from Angie M. Carpenter, the County Treasurer of Suffolk County, New York, and recorded on May 4, 2006, in Liber 12448, at Page 543, and otherwise known as and by Town of Huntington, known and designated as Lots 272 through 278 inclusive, in a certain map entitled, "Huntington Plaza, property of George Arlinger, etc." filed in the Office of the Clerk of the County of Suffolk on May 19, 1909 as Map No. 393; and

FURTHER, notwithstanding the above description, it is the intention of this conveyance to give title only to such property as was acquired by the County of Suffolk by Tax Deed on May 2, 2006, from Angie M. Carpenter, the County Treasurer of Suffolk County, New York, and recorded on May 4, 2006 in Liber 12448 at Page 543.

WHEREAS, in accordance with Suffolk County Local Law 16-1976, provision has been made for the sale of such real property acquired by the County through tax sale; and

WHEREAS, SERGIO A. ACAJABON has made application of said above described parcel and SERGIO A. ACAJABON has paid the application fee and \$986.29, as

payment of taxes, penalties, interest, recording fees, and any other charges due the County of Suffolk, pursuant to Local Law, by applicant, through November 30, 2006; and

1st RESOLVED, this Legislature, being the State Environmental Quality Review Act (SEQRA) Lead Agency, hereby finds and determines that adoption of this law is not an action within the meaning of the State Environmental Quality Review Act and the regulations adopted thereto. See 6 N.Y.C.R.R. Section 617.2(b) (2). The Legislature further finds and determines that even if the adoption of the local law is an action within the meaning of SEQRA, the adoption of law is a Type II action constituting a legislative decision in connection with routine or continuing agency administration and management, not including new programs or major reordering of priority. See 6 N.Y.C.R.R. Section 617.13(d) (15) and (21). As a Type II action, the Legislature has no further responsibilities under SEQRA 6 N.Y.C.R.R. Section 617.5(a)(1); and be it further

2nd RESOLVED, that Director Patricia B. Zielenski, and/or her designee, be and he hereby is authorized to execute and acknowledge a Quitclaim Deed to SERGIO A. ACAJABON, 43 Lafayette Street, Huntington, New York 11743, to transfer the interest of Suffolk County in the above described property and on the above described terms.

DATED: October 17, 2006

APPROVED BY:

/s/ Paul Sabatino II
Chief Deputy County Executive of Suffolk County

Date: October 19, 2006

Legislator Caracappa made motion for the following resolution, seconded by Legislator Barraga. The resolution was passed 12-0-0-6. Deputy Presiding Officer Viloría-Fisher and Legislators Schneiderman, Browning, Eddington, D'Amario and Cooper were not present.

Intro. Res. No. 2110-2006

Laid on Table 9/19/2006

Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 1080 -2006, AUTHORIZING THE SALE, PURSUANT TO LOCAL LAW 16-1976, OF REAL PROPERTY ACQUIRED UNDER SECTION 46 OF THE SUFFOLK COUNTY TAX ACT GENE J. CRISPINO and LAUREL CRISPINO, his wife (SCTM NO. 0500-020.00-05.00-034.000)

WHEREAS, the COUNTY OF SUFFOLK acquired the following described parcel:

ALL, that certain plot, piece or parcel of land, with any buildings and improvements thereon erected, situate, lying and being in the Town of Islip, County of Suffolk, and State of New York, described on the Tax Map of the Suffolk County Real Property Tax Service Agency as District 0500, Section 020.00, Block 05.00, Lot 034.000, and acquired by tax deed on May 4, 2006, from Angie M. Carpenter, the County Treasurer of Suffolk County, New York, and recorded on May 11, 2006, in Liber 12449, at Page 773, and otherwise known as and by Town of Islip, bounded northerly by Cherokee Street, bounded easterly by now or formerly Jacqueline A. Alaimo, bounded southerly by Motor Pkwy, bounded westerly by Oakdale Avenue; and

FURTHER, notwithstanding the above description, it is the intention of this conveyance to give title only to such property as was acquired by the County of Suffolk by Tax Deed on May 4, 2006, from Angie M. Carpenter, the County Treasurer of Suffolk County, New York, and recorded on May 11, 2006 in Liber 12449 at Page 773.

WHEREAS, in accordance with Suffolk County Local Law 16-1976, provision has been made for the sale of such real property acquired by the County through tax sale; and

WHEREAS, GENE J. CRISPINO and LAUREL CRISPINO, have made application of said above described parcel and GENE J. CRISPINO and LAUREL CRISPINO, have paid the application fee and will be paying \$40,056.38 as payment of taxes, penalties, interest, recording fees, and any other charges due the County of Suffolk, pursuant to Local Law by applicant through the date of deed transfer by redemption process, in addition to any and all other charges due the County of Suffolk to the date of the closing; and

1st RESOLVED, this Legislature, being the State Environmental Quality Review Act (SEQRA) Lead Agency, hereby finds and determines that adoption of this law is not an action within the meaning of the State Environmental Quality Review Act and the regulations adopted thereto. See 6 N.Y.C.R.R. Section 617.2(b)(2). The Legislature further finds and determines that even if the adoption of the local law is an action within the meaning of SEQRA, the adoption of the law is a Type II action constituting a legislative decision in connection with routine or continuing agency administration and management, not including new programs or major reordering of priority. See 6 N.Y.C.R.R. Section 617.13(d)(15) and (21). As a Type II action, the Legislature has no further responsibilities under SEQRA 6 N.Y.C.R.R. Section 617.5(a)(1); and be it further

2nd RESOLVED, that Director Patricia B. Zielenski, and/or her designee, be and he hereby is authorized to execute and acknowledge a Quitclaim Deed to GENE J. CRISPINO and LAUREL CRISPINO, his wife, 2521 Motor Parkway, Ronkonkoma, New York 11779, to transfer the interest of Suffolk County in the above described property and on the above described terms.

DATED: October 17, 2006

APPROVED BY:

/s/ Paul Sabatino II
Chief Deputy County Executive of Suffolk County

Date: October 19, 2006

Legislator Caracappa made motion for the following resolution, seconded by Legislator Barraga. The resolution was passed 12-0-0-6. Deputy Presiding Officer Vilorio-Fisher and Legislators Schneiderman, Browning, Eddington, D'Amaro and Cooper were not present.

Intro. Res. No. 2111-2006

Laid on Table 9/19/2006

Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 1081 -2006, AUTHORIZING THE SALE, PURSUANT TO LOCAL LAW 16-1976, OF REAL PROPERTY ACQUIRED UNDER SECTION 46 OF THE SUFFOLK COUNTY TAX ACT ERIC SANDLER and JOANN H. SANDLER, his wife (SCTM NO. 0500-470.01-01.00-086.000)

WHEREAS, the COUNTY OF SUFFOLK acquired the following described parcel:

ALL, that certain plot, piece or parcel of land, with any buildings and improvements thereon erected, situate, lying and being in the Town of Islip, County of Suffolk, and State of New York, described on the Tax Map of the Suffolk County Real Property Tax Service Agency as District 0500, Section 470.01, Block 01.00, Lot 086.000, and acquired by tax deed on July 10, 2006, from Angie M. Carpenter, the County Treasurer of Suffolk County, New York, and recorded on July 14, 2006, in Liber 12459, at Page 600, and otherwise known as and by Town of Islip, County of Suffolk, and State of New York, comprising part of Lot 15 on "Map of the Admiralty" and filed in the Office of the Clerk of the County of Suffolk on March 23, 1977 as Map No. 6524; and

FURTHER, notwithstanding the above description, it is the intention of this conveyance to give title only to such property as was acquired by the County of Suffolk by Tax Deed on July 10, 2006, from Angie M. Carpenter, the County Treasurer of Suffolk County, New York, and recorded on July 14, 2006 in Liber 12459 at Page 600.

WHEREAS, in accordance with Suffolk County Local Law 16-1976, provision has been made for the sale of such real property acquired by the County through tax sale; and

WHEREAS, ERIC SANDLER has made application of said above described parcel and ERIC SANDLER has paid the application fee and \$10,466.31, as payment of taxes, penalties, interest, recording fees, and any other charges due the County of Suffolk, pursuant to Local Law, by applicant, through November 30, 2006; and

1st RESOLVED, this Legislature, being the State Environmental Quality Review Act (SEQRA) Lead Agency, hereby finds and determines that adoption of this law is not an action

within the meaning of the State Environmental Quality Review Act and the regulations adopted thereto. See 6 N.Y.C.R.R. Section 617.2(b) (2). The Legislature further finds and determines that even if the adoption of the local law is an action within the meaning of SEQRA, the adoption of law is a Type II action constituting a legislative decision in connection with routine or

continuing agency administration and management, not including new programs or major reordering of priority. See 6 N.Y.C.R.R. Section 617.13(d) (15) and (21). As a Type II action, the Legislature has no further responsibilities under SEQRA 6 N.Y.C.R.R. Section 617.5(a)(1); and be it further

2nd RESOLVED, that Director Patricia B. Zielenski, and/or her designee, be and he hereby is authorized to execute and acknowledge a Quitclaim Deed to ERIC SANDLER and JOANN H. SANDLER, his wife, 154 Anchor Lane, Bay Shore, New York 11706, to transfer the interest of Suffolk County in the above described property and on the above described terms.

DATED: October 17, 2006

APPROVED BY:

/s/ Paul Sabatino II
Chief Deputy County Executive of Suffolk County

Date: October 19, 2006

Legislator Caracappa made motion for the following resolution, seconded by Legislator Barraga. The resolution was passed 12-0-0-6. Deputy Presiding Officer Viloría-Fisher and Legislators Schneiderman, Browning, Eddington, D’Amaro and Cooper were not present.

Intro. Res. No. 2112-2006 Laid on Table 9/19/2006
Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 1082 -2006, AUTHORIZING THE SALE, PURSUANT TO LOCAL LAW 16-1976, OF REAL PROPERTY ACQUIRED UNDER SECTION 46 OF THE SUFFOLK COUNTY TAX ACT GRACE HENDERSON RICH as Surviving Tenant by the Entirety (SCTM NO. 0801-007.00-03.00-005.000)

WHEREAS, the COUNTY OF SUFFOLK acquired the following described parcel:

ALL, that certain plot, piece or parcel of land, with any buildings and improvements thereon erected, situate, lying and being in the Incorporated Village of Head of the Harbor, Town of Smithtown, County of Suffolk, and State of New York, described on the Tax Map of the Suffolk County Real Property Tax Service Agency as District 0801, Section 007.00, Block 03.00, Lot 005.000, and acquired by tax deed on March 29, 2006, from Angie M. Carpenter, the County Treasurer of Suffolk County, New York, and recorded on March 30, 2006, in Liber 12442, at Page 992, and otherwise known as and by Incorporated Village of

Head of the Harbor, Town of Smithtown, bounded northerly by Moriches Road, easterly now or formerly Michael Geier and Margaret Donahue, southerly by now or formerly Nabilk Kiridly, westerly by now or formerly Arlene Lee and Paul Athineos and Timothy Woods Road; and

FURTHER, notwithstanding the above description, it is the intention of this conveyance to give title only to such property as was acquired by the County of Suffolk by Tax Deed on March 29, 2006, from Angie M. Carpenter, the County Treasurer of Suffolk County, New York, and recorded on March 30, 2006 in Liber 12442 at Page 992.

WHEREAS, in accordance with Suffolk County Local Law 16-1976, provision has been made for the sale of such real property acquired by the County through tax sale; and

WHEREAS, GRACE HENDERSON RICH, has made application of said above described parcel and GRACE HENDERSON RICH, has paid the application fee and will be paying \$106,293.47 as payment of taxes, penalties, interest, recording fees, and any other charges due the County of Suffolk, pursuant to Local Law by applicant through the date of deed transfer by redemption process, in addition to any and all other charges due the County of Suffolk to the date of the closing; and

1st RESOLVED, this Legislature, being the State Environmental Quality Review Act (SEQRA) Lead Agency, hereby finds and determines that adoption of this law is not an action within the meaning of the State Environmental Quality Review Act and the regulations adopted thereto. See 6 N.Y.C.R.R. Section 617.2(b)(2). The Legislature further finds and determines that even if the adoption of the local law is an action within the meaning of SEQRA, the adoption of the law is a Type II action constituting a legislative decision in connection with routine or continuing agency administration and management, not including new programs or major reordering of priority. See 6 N.Y.C.R.R. Section 617.13(d)(15) and (21). As a Type II action, the Legislature has no further responsibilities under SEQRA 6 N.Y.C.R.R. Section 617.5(a)(1); and be it further

2nd RESOLVED, that Director Patricia B. Zielenski, and/or her designee, be and he hereby is authorized to execute and acknowledge a Quitclaim Deed to GRACE HENDERSON RICH as Surviving Tenant by the Entirety, 547 Moriches Road, St. James, New York 11780, to transfer the interest of Suffolk County in the above described property and on the above described terms.

DATED: October 17, 2006

APPROVED BY:

/s/ Paul Sabatino II
Chief Deputy County Executive of Suffolk County

Date: October 19, 2006

Legislator Caracappa made motion for the following resolution, seconded by Legislator Barraga. The resolution was passed 12-0-0-6. Deputy Presiding Officer Vilorio-Fisher and Legislators Schneiderman, Browning, Eddington, D'Amato and Cooper were not present.

**RESOLUTION NO. 1083 –2006, AUTHORIZING CERTAIN
TECHNICAL CORRECTIONS TO THE 2006 ADOPTED
OPERATING BUDGET FOR A CONTRACT AGENCY IN THE
DEPARTMENT OF SOCIAL SERVICES**

WHEREAS, the 2006 Adopted Operating Budget provides funding for certain contracted agencies in the Department of Social Services; and

WHEREAS, the 2006 Operating Budget when adopted contained technical errors; and

WHEREAS, the County Legislature desires to make a technical correction to the 2006 Operating Budget to reflect the proper name of the contracted agency, St. Patrick's Family Outreach; now, therefore be it

RESOLVED, that the 2006 Adopted Operating Budget be and it hereby is corrected as follows:

APPROPRIATIONS

FROM:

<u>FD</u>	<u>AGY</u>	<u>X-Org</u>	<u>R-Org</u>	<u>OBJ</u>	<u>ORG Name</u>	<u>AMOUNT</u>
001	DSS	HQH1	6015	4980	ST. PATRICK HOSPITALITY CENTER	\$1,500

TO:

<u>FD</u>	<u>AGY</u>	<u>X-Org</u>	<u>R-Org</u>	<u>OBJ</u>	<u>ORG Name</u>	<u>AMOUNT</u>
001	DSS	HQH1	6015	4980	ST. PATRICK'S FAMILY OUTREACH	\$1,500

and be it further

RESOLVED, that the moneys appropriated pursuant to this resolution shall be used exclusively for public benefit and for the sole purpose of funding the aforementioned contract agency.

DATED: October 17, 2006

APPROVED BY:

/s/ Paul Sabatino II
Chief Deputy County Executive of Suffolk County

Date: October 19, 2006

Legislator Caracappa made motion for the following resolution, seconded by Legislator Barraga. The resolution was passed 12-0-0-6. Deputy Presiding Officer Vilorio-Fisher and Legislators Schneiderman, Browning, Eddington, D'Amaro and Cooper were not present.

Intro. Res. No. 2120-2006

Laid on Table 9/19/2006

Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. 1084 -2006, AUTHORIZING CERTAIN
TECHNICAL CORRECTION TO ADOPTED RESOLUTION NO.
980-2006**

WHEREAS, the County Legislature has adopted and the County Executive has signed Resolution No. 980-2006; and

WHEREAS, this resolution when adopted contained a technical error; and

WHEREAS, the County Executive desires technical correction to this resolution; now, therefore, be it

RESOLVED, that the Clerk of the Legislature shall make the following technical correction:

Resolution No. 980-2006

In the 2nd RESOLVED paragraph change the Project No.

FROM:

<u>Project No.</u>	<u>Project Title</u>	<u>Amount</u>
525-3167.310	Planning For the Construction of Helicopter Hangar East End Operations, Gabreski Airport Westhampton	\$100,000

TO:

<u>Project No.</u>	<u>Project Title</u>	<u>Amount</u>
525-3167.110	Planning of Helicopter Hangar East End Operations, Gabreski Airport Westhampton	\$100,000

DATED: October 17, 2006

APPROVED BY:

/s/ Paul Sabatino II
Chief Deputy County Executive of Suffolk County

Date: October 19, 2006

Legislator Caracappa made motion for the following resolution, seconded by Legislator Barraga. The resolution was passed 12-0-0-6. Deputy Presiding Officer Vilorio-Fisher and Legislators Schneiderman, Browning, Eddington, D'Amaro and Cooper were not present.

Intro. Res. No. 2121-2006

Laid on

Table 9/19/2006

Introduced by the Presiding Officer Lindsay

**RESOLUTION NO. 1085 -2006, APPROVING PAYMENT TO
GENERAL CODE PUBLISHERS FOR ADMINISTRATIVE CODE
PAGES**

WHEREAS, General Code Publishers Corp. has provided Supplement No. 74 to update the Suffolk County Administrative Code totaling \$10,531.29; and

WHEREAS, Resolution No. 461-1986 established a schedule of fees for entities and/or individuals requesting such Administrative Code and pages from the County Legislature and Resolution No. 189-1991 amended said fee schedule; now, therefore be it

RESOLVED, that the payment of \$10,531.29 for the provisions of such pages is hereby approved.

DATED: October 17, 2006

APPROVED BY:

/s/ Paul Sabatino II

Chief Deputy County Executive of Suffolk County

Date: October 19, 2006

Legislator Caracappa made motion for the following resolution, seconded by Legislator Barraga. The resolution was passed 12-0-0-6. Deputy Presiding Officer Vilorio-Fisher and Legislators Schneiderman, Browning, Eddington, D'Amaro and Cooper were not present.

Intro. Res. No. 2157-2206

Laid on Table 9/19/2006

Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. 1086 -2006, AUTHORIZING CERTAIN
TECHNICAL CORRECTION TO ADOPTED RESOLUTION NO.
684-2006**

WHEREAS, the County Legislature has adopted and the County Executive has signed Resolution No. 684-2006; and

WHEREAS, this resolution when adopted contained a technical error; and

WHEREAS, the County Executive desires technical correction to this resolution; now, therefore be it

1st RESOLVED, that the Clerk of the Legislature shall make the following technical correction in the 3rd Resolved Clause of Resolution 684-2006.

3rd RESOLVED, that the County Comptroller and County Treasurer are hereby authorized to reserve and to pay \$773,600.00±, subject to a final survey, from previously appropriated funds in Capital Project [525-CAP-8705.210] 525-CAP-7177.227 Suffolk County Multifaceted Land Preservation Program, for this acquisition.

[] Brackets denote deletion of existing language
___ Underlining denotes addition of new language

DATED: October 17, 2006

APPROVED BY:

/s/ Paul Sabatino II
Chief Deputy County Executive of Suffolk County

Date: October 19, 2006

Presiding Officer Lindsay made motion for the following resolution, seconded by Legislator Eddington. The resolution was passed 17-0-0-1. Deputy Presiding Officer Viloría-Fisher was not present.

Intro. Res. No. 2089-2006 Laid on Table 9/19/2006
Introduced by Presiding Officer Lindsay and Legislators Viloría-Fisher, Losquadro

**RESOLUTION NO. 1087 –2006, AMENDING THE 2006
OPERATING BUDGET AND TRANSFERRING FUNDS
FOR THE JOHN T. MATHER MEMORIAL HOSPITAL**

WHEREAS, the John T. Mather Memorial Hospital runs a breast cancer screening program; and

WHEREAS, breast cancer is the most common malignancy affecting women in North America and Europe and every woman is at risk for breast cancer and close to 200,000 cases of breast cancer were diagnosed in the United States in 2001; and

WHEREAS, breast cancer is the second leading cause of cancer death in American women behind lung cancer and the lifetime risk of any particular woman getting breast cancer is about 1 in 8 although the lifetime risk of dying from breast cancer is much lower at 1 in 28; and

WHEREAS, the 2006 Operating Budget contains surplus funds for the Veterans Emergency Transportation (VET); and

WHEREAS, Section 4-31 (G) of the Suffolk County Charter now allows amendment of the County Operating Budget by County Legislators four times during the fiscal year as long as the amendment reduces, lowers, terminates or cancels appropriations; abolishes positions of employment; terminates contract agencies; terminates or reduces the size of County programs or departments, or makes transfers of appropriations that are offset by reductions in other programs; now, therefore be it

1st RESOLVED, that the 2006 County Operating Budget is hereby amended as follows and that the County Comptroller and the County Treasurer be and hereby are authorized to transfer the following funds and authorizations;

APPROPRIATIONS

FROM:

<u>FD</u>	<u>AGY</u>	<u>X-Org</u>	<u>R-Org</u>	<u>OBJ</u>	<u>ORG Name</u>	
<u>AMOUNT</u>						
001	EXE	GRG1	6510	4980	VET Veterans Emergency Transportation	-\$10,000

TO:

<u>FD</u>	<u>AGY</u>	<u>X-Org</u>	<u>R-Org</u>	<u>OBJ</u>	<u>ORG Name</u>	
<u>AMOUNT</u>						
001	HSV	XXXX	4100	4980	John T. Mather Memorial Hospital Breast Cancer Screening Program	+\$10,000

and be it further

2nd RESOLVED, that the County Executive's Budget Office is authorized to assign a pseudo code for the John T. Mather Memorial Hospital; and be it further

3rd RESOLVED, that the that the Commissioner of the County Department of Health Services is hereby authorized and empowered, pursuant to Section 9-3 of the SUFFOLK COUNTY CHARTER, to enter into an agreement with John T. Mather Memorial Hospital to implement the funding provided under this Resolution for its breast cancer screening program.

DATED: October 17, 2006

APPROVED BY:

/s/ Paul Sabatino II

Chief Deputy County Executive of Suffolk County

Date: October 19, 2006

Legislator Montano made motion for the following resolution, seconded by Legislator Eddington. The resolution was 17-0-0-1. Deputy Presiding Officer Viloría-Fisher was not present.

Intro. Res. No. 2092-2006
Introduced by Legislator Viloría-Fisher

Laid on Table 9/19/2006

RESOLUTION NO. 1088 -2006, AMENDING THE 2006 OPERATING BUDGET AND TRANSFERRING FUNDS FOR THE SUFFOLK COALITION TO PREVENT ALCOHOL AND DRUG DEPENDENCIES

WHEREAS, the 2006 Operating Budget contains funds, for the Suffolk Coalition to Prevent Alcohol and Drug Dependencies, in the Office of Women’s Services; and

WHEREAS, the Suffolk Coalition to Prevent Alcohol and Drug Dependencies, with sufficient funds, is able to provide a bilingual component for their web site; and

WHEREAS, it is the desire of the Suffolk County Legislature to amend the 2006 Operating Budget to provide \$500 for a bilingual component to the Suffolk Coalition to Prevent Alcohol and Drug Dependencies’ web site in the Office of Minority Affairs; and

WHEREAS, Section 4-31 (G) of the Suffolk County Charter now allows amendment of the County Operating Budget by County Legislators four times during the fiscal year as long as the amendment reduces, lowers, terminates or cancels appropriations; abolishes positions of employment; terminates contract agencies; terminates or reduces the size of County programs or departments, or makes transfers of appropriations that are offset by reductions in other programs; now, therefore be it

RESOLVED, that the 2006 County Operating Budget is hereby amended as follows and that the County Comptroller and the County Treasurer be and hereby are authorized to transfer the following funds and authorizations:

APPROPRIATIONS:

FROM:

<u>FD</u>	<u>AGY</u>	<u>R-Org</u>	<u>OBJ</u>	<u>ORG Name</u>	<u>AMOUNT</u>
001	EXE	8051	4981	Suffolk Coalition To Prevent Alcohol & Drug Dependencies	-\$500

TO:

<u>FD</u>	<u>AGY</u>	<u>R-Org</u>	<u>OBJ</u>	<u>ORG Name</u>	<u>AMOUNT</u>
001	EXE	6511	4981	Suffolk Coalition To Prevent Alcohol & Drug Dependencies	+500

and be it further

RESOLVED, that the moneys appropriated pursuant to this resolution shall be used exclusively for Suffolk County societal benefit and the sole purpose of funding the Suffolk Coalition to Prevent Alcohol and Drug Dependencies' bilingual component for their web site.

DATED: October 17, 2006

APPROVED BY:

/s/ Paul Sabatino II
Chief Deputy County Executive of Suffolk County

Date: October 25, 2006

Legislator Eddington made motion for the following resolution, seconded by Legislator Cooper. The resolution was passed 17-0-0-1. Legislator Montano was not present.

Intro. Res. No. 2101-2006
Introduced by Legislators Eddington and Vilorina-Fisher

Laid on Table 9/19/2006

RESOLUTION NO. 1089 –2006, AMENDING THE 2006 OPERATING BUDGET AND TRANSFERRING FUNDS FOR CERTAIN CONTRACTED AGENCIES (FAMILY SERVICE LEAGUE AND MASTIC SHIRLEY YOUTH)

WHEREAS, the 2006 Operating Budget does not include sufficient funds to provide youth, families and individuals with necessary services and opportunities for a more wholesome lifestyle; and

WHEREAS, the contracted agencies Family Service League – HomeShare of Long Island and Mastic Shirley Youth can provide these services to Suffolk County citizens; and

WHEREAS, the 2006 Operating Budget contains surplus funding in the Department of Economic Development and Workforce Housing for these contracted agencies; and

WHEREAS, it is the desire of the Suffolk County Legislature to provide \$12,000 to fund the Family Service League – HomeShare of Long Island and \$3,000 to fund Mastic Shirley Youth; and

WHEREAS, Section 4-31 (G) of the Suffolk County Charter now allows amendment of the County Operating Budget by County Legislators four times during the fiscal year as long as the amendment reduces, lowers, terminates or cancels appropriations; abolishes positions of employment; terminates contract agencies; terminates or reduces the

size of County programs or departments, or makes transfers of appropriations that are offset by reductions in other programs; now, therefore be it

RESOLVED, that the 2006 County Operating Budget is hereby amended as follows and that the County Comptroller and the County Treasurer be and hereby are authorized to transfer the following funds and authorizations.

APPROPRIATIONS:

FROM:

<u>FD</u>	<u>AGY</u>	<u>X-Org</u>	<u>R-Org</u>	<u>OBJ</u>	<u>ORG Name</u>	<u>AMOUNT</u>
001	ECD	HNA1	6410	4980	Intergenerational Strategies	-\$15,000

TO:

<u>FD</u>	<u>AGY</u>	<u>X-Org</u>	<u>R-Org</u>	<u>OBJ</u>	<u>ORG Name</u>	<u>AMOUNT</u>
001	ECD	XXXX	6410	4980	Family Service League HomeShare of Long Island	+\$12,000
001	EXE	DDL1	7325	4980	Mastic Shirley Youth	+\$3,000

and be it further

RESOLVED, that the County Executive's Budget Office is authorized to assign a pseudo code for the Family Service League – HomeShare of Long Island; and be it further

RESOLVED, that the moneys appropriated pursuant to this resolution shall be used exclusively for Suffolk County societal benefit and the sole purpose of funding the contracted agencies Family Service League – HomeShare of Long Island and Mastic Shirley Youth.

DATED: October 17, 2006

APPROVED BY:

/s/ Paul Sabatino II
Chief Deputy County Executive of Suffolk County

Date: October 25, 2006

Legislator Eddington made motion for the following resolution, seconded by Legislator Cooper. The resolution was passed 17-0-0-1. Legislator Montano was not present.

Intro. Res. No. 2119-2006
Introduced by Legislator Eddington

Laid on Table 9/19/2006

**RESOLUTION NO. 1090 –2006, AMENDING THE 2006
OPERATING BUDGET TO STRIKE EXCESS
APPROPRIATIONS WITHIN THE DEPARTMENT OF HEALTH
SERVICES TO OFFSET THE LOSS OF ANTICIPATED
REVENUE RELATED TO FEES FOR THE TOBACCO
CESSATION PROGRAM**

WHEREAS, the Department of Health Services: Office of Health Education has provided the residents of Suffolk County free participation in a comprehensive tobacco control program since 2000; and

WHEREAS, the program is based on the Centers for Disease Control (CDC) & Prevention's model for Best Practices in Tobacco Control; and

WHEREAS, one of the components recommended by the CDC is that 10% of the program's budget be dedicated to evaluation and surveillance; and

WHEREAS, the Office of Health Education included in their requested 2006 Operating Budget \$170,000 for the Gallup Organization to evaluate the effectiveness of the program; and

WHEREAS, the Executive Office did not include this funding in the recommended 2006 Operating Budget; and

WHEREAS, the Legislature amended the County Executive's recommended budget to include funding of \$170,000 for this program evaluation study; and

WHEREAS, the Department of Health Services has been unable to expend these monies nor execute this contract; and

WHEREAS, Resolution No. 386-2006 imposes a fee structure beginning January 1, 2007 for residents wishing to participate in the Tobacco Cessation Program; and

WHEREAS, it is the belief of the Legislature that this fee will diminish the participation in the program resulting in vastly increased medical costs to be incurred by the County in the future; and

WHEREAS, the Health Department has agreed that seven sessions in the Tobacco Cessation Program would count as a single visit per the Health Department's Sliding Scale Fee Schedule; and

WHEREAS, Section 4-31 (G) of the Suffolk County Charter now allows amendment of the County Operating Budget by County Legislators four times during the fiscal year as long as the amendment reduces, lowers, terminates or cancels appropriations; abolishes positions of employment; terminates contract agencies; terminates or reduces the size of County programs or departments, or makes transfers of appropriations that are offset by reductions in other programs; now, therefore be it

1st RESOLVED, that the 2006 County Operating Budget is hereby amended as follows and that the County Comptroller and the County Treasurer be and hereby are authorized to strike the following funds and authorizations; and be it further

2nd RESOLVED, that the following appropriation, in the amount of One Hundred and Seventy Thousand and 00/100 (\$170,000.00) Dollars, in Fees for Services: Non-Employees be and is hereby stricken pursuant to Sections 4-27(C) and (D) of the SUFFOLK COUNTY CHARTER:

001-HSV-4007-4560-Fees for Services: Non Employees: - \$170,000.00

and be it further

3rd RESOLVED, that the resulting 2006 fund balance of \$170,000 is to be used to offset any loss of anticipated revenue in 2007 associated with counting seven sessions in the tobacco cessation program as a single visit per the Health Department's Sliding Scale Fee Schedule; and be it further

4th RESOLVED, that this Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this resolution constitutes a Type II action pursuant to Section 617.5(c)(20), (21), and/or (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management and information collection, and the Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this resolution.

DATED: October 17, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: November 2, 2006

Presiding Officer Lindsay made motion for the following resolution, seconded by Legislator Losquadro. The resolution was passed 17-0-0-1. Legislator Montano was not present.

Intro. Res. No. 2164-2006
Introduced by Presiding Officer Lindsay

Laid on Table 9/19/2006

**RESOLUTION NO. 1091 -2006, TRANSFERRING
CONTINGENT FUNDING FOR VARIOUS CONTRACT
AGENCIES (PHASE III)**

WHEREAS, funds were included in a Legislative Contingency Account in the 2006 Operating Budget (001-MS-1994-4981) to supplement County services via non-profit agencies; and

WHEREAS, these funds are used to support not-for-profit agencies for services including, but not limited to, supplementation of County services for: breast health education and outreach, veterans programs, hospices, senior citizen and youth programs, domestic violence programs, food pantry services, other comparable health and safety programs, and for economic development and revitalization; and

WHEREAS, appropriation of funds to these not-for-profit agencies will enhance their ability to develop contracts with the County and will help to provide services in a timely fashion; and

WHEREAS, Section 4-31 (G) of the Suffolk County Charter now allows amendment of the County Operating Budget by County Legislators four times during the fiscal year as long as the amendment reduces, lowers, terminates or cancels appropriations; abolishes positions of employment; terminates contract agencies; terminates or reduces the size of County programs or departments, or makes transfers of appropriations that are offset by reductions in other programs; now, therefore be it

RESOLVED, that the Adopted 2006 County Operating Budget is hereby amended as shown in the attached Appendix A, which is attached hereto and made a part of this resolution.

DATED: October 17, 2006

EFFECTIVE PURSUANT TO SECTION 2-15(F) OF THE SUFFOLK COUNTY CHARTER,

RETURNED BY THE COUNTY EXECUTIVE UNSIGNED NOVEMBER 2, 2006

APPENDIX A		
FROM:	AMOUNT	
001-MSC-1994-4981 Contingent: Legislative Programs	\$87,030	
TO:		
CONTRACT AGENCY	Phase III - 2006	FD-AG-ORG-OBJ
American Legion Post #269 (Patchogue)	\$4,000	001-EXE-6510-4981
American Legion Post 155, Ronkonkoma	\$2,000	001-EXE-6510-4981
American Legion Smithtown Post 833	\$2,000	001-EXE-6510-4981
American Parkinsons Disease Association	\$1,000	001-HSV-4100-4981
Art Without Walls, Inc.	\$1,000	001-EXE-7320-4981
Association For Technology Dependent Children	\$2,000	001-EXE-8050-4981
Bayport-Blue Point Youth Lacrosse	\$2,000	001-EXE-7320-4981
Birthright of Nassau / Suffolk Inc.	\$2,000	001-EXE-8051-4981
Bohemia Historical Society	\$2,000	001-PKS-7510-4981

Christ the King Church (Parish Outreach)	\$2,000	001-DSS-6004-4981
Church of God of Holbrook	\$1,000	001-EXE-7320-4981
Civil Air Patrol, Inc.	\$1,000	001-EXE-7320-4981
Developmental Disabilities Institute, Inc.	\$3,000	001-EXE-8050-4981
East Islip Main Street Restoration Project, Inc.	\$1,000	001-ECD-6410-4981
Family & Children's Association - Children's Center At S.C. District Court	\$2,000	001-DSS-6010-4981
Friends of Long Island Wireless History	\$1,000	001-PKS-7510-4981
Holbrook Chamber of Commerce, Inc.	\$1,300	001-ECD-6410-4981
L.I. Citizens for Community Values, Inc.	\$1,000	001-EXE-7320-4981
Lake Ronkonkoma Civic Association	\$500	001-ECD-6410-4981
Long Island Families Together	\$1,000	001-DSS-6010-4981
Maplewood Civic Association Inc.	\$2,000	001-ECD-6410-4981
Miller Place Civic Association, Inc.	\$500	001-ECD-6410-4981
Mount Sinai Heritage Trust, Inc.	\$500	001-PKS-7110-4981
Nesconset Athletic Association	\$1,000	001-EXE-7320-4981
Options for Community Living, Inc.	\$2,000	001-HSV-4320-4981
Parents for Megan's Law, Inc.	\$730	001-EXE-7320-4981
Parish of the Holy Cross Outreach	\$2,000	001-DSS-6004-4981
Patchogue Medford Library	\$3,500	001-EXE-7320-4981
Patchogue-Medford Youth (Soccer League)	\$2,300	001-EXE-7320-4981
Sachem Athletic Club	\$2,500	001-EXE-7320-4981
Sachem Community Youth Services	\$2,000	001-EXE-7320-4981
Sayville Village Improvement Society, Inc.	\$1,000	001-ECD-6410-4981
South Ocean Middle School (PTA)	\$2,000	001-DPW-1494-4981
St. Joseph Outreach Ronkonkoma	\$3,000	001-DSS-6004-4981
St. Mary's R.C.C. - Parish Social Ministry	\$2,500	001-DSS-6004-4981
St. Patrick Church - Hospitality Center	\$500	001-DSS-6004-4981
St. Patrick's Parish Ministry Parish Outreach	\$500	001-DSS-6004-4981
Stagecoach Elementary School PTA	\$700	001-EXE-7320-4981
Suffolk County Council #404, Boy Scouts of America	\$2,000	001-EXE-7320-4981
Suffolk County Perinatal Coalition, Inc	\$2,000	001-HSV-4010-4981
Sweetbriar Nature Center	\$3,000	001-PKS-7110-4981
The Council of Dedicated Merchants	\$2,000	001-ECD-6410-4981
Trinity Lutheran Church (Food Pantry)	\$2,500	001-DSS-6004-4981
United Cerebral Palsy Association of Greater Suffolk, Inc.	\$2,000	001-EXE-8050-4981
VFW Smithtown 10870	\$2,000	001-EXE-6510-4981
Vietnam Veterans of America Suffolk Chapter #11	\$1,000	001-EXE-6510-4981
Wildcat Athletic Club	\$1,500	001-EXE-7320-4981
William F. Taylor Post Post 9486	\$5,000	001-EXE-6510-4981
Youth Experiencing Art Project	\$2,000	001-EXE-7320-4981
	\$87,030	

Legislator Cooper made motion for the following resolution, seconded by Deputy Presiding Officer Viloría-Fisher. The resolution was passed 17-0-0-1. Legislator Montano was not present.

Intro. Res. No. 1951-2006
Introduced by Legislator Cooper

Laid on Table 8/8/2006

**RESOLUTION NO. 1092 -2006, ADOPTING LOCAL LAW
NO. 54 -2006, A LOCAL LAW TO PROTECT CONSUMERS
FROM PREDATORY TOWING PRACTICES**

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on August 8, 2006, a proposed local law entitled, "**A LOCAL LAW TO PROTECT CONSUMERS FROM PREDATORY TOWING PRACTICES**" now, therefore, be it

RESOLVED, that said local law be enacted in form as follows:

LOCAL LAW NO. 54 -2006, SUFFOLK COUNTY, NEW YORK

**A LOCAL LAW TO PROTECT CONSUMERS FROM PREDATORY
TOWING PRACTICES**

BE IT ENACTED BY THE COUNTY LEGISLATURE OF THE COUNTY OF SUFFOLK, as follows:

Section 1. Legislative Intent.

This Legislature hereby finds and determines that the County of Suffolk enacted Local Law No. 21-2000, to protect Suffolk County residents and consumers from the unfair towing practices of private parking lot owners and commercial tow companies. This law is codified in Chapter 463 of the SUFFOLK COUNTY CODE.

This Legislature further finds that despite the enactment of this local law, some private parking lot owners and towing companies continue to engage in predatory towing practices. For example, some unscrupulous operators attract drivers into parking in a seemingly available space, and then quickly tow the vehicles solely for the purpose of collecting excessive towing and storage fees.

This Legislature also determines that certain changes should be made to the County's towing statute, including a prohibition on kick-backs or fee splitting between lot owners and tow companies.

Therefore, the purpose of this law is to amend Chapter 463 of the SUFFOLK COUNTY CODE and strengthen consumer protections against predatory towing practices.

Section 2. Amendments.

Chapter 463 of the SUFFOLK COUNTY CODE is hereby amended as follows:

Chapter 463, TOWING

ARTICLE I, Seizure/Towing of Vehicles From Private Property

* * * *

§ 463-3. Restrictions.

* * * *

- E. Upon payment of all required charges for the release of a towed vehicle, the towing company shall provide the owner or authorized user of the vehicle with a receipt that reflects all payments made to the towing company.

- F. No private property owner shall receive or enter into any contract or other agreement to receive from a tow company, nor shall any tow company pay or enter into any contract or other agreement to pay to the private property owner, any share of the payments received for the towing or storage of a towed motor vehicle or any fee or amount dependent upon the number of towed motor vehicles removed from said private property owner's parking lot.

Section 3. Applicability.

This law shall apply to all actions occurring on or after the effective date of this law.

Section 4. Severability.

If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 5. SEQRA Determination.

This Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this law constitutes a Type II action pursuant to Section 617.5(c)(20), (21), and/or (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management and information collection. The Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this law.

Section 6. Effective Date.

This law shall take effect on the ninetieth (90th) day immediately subsequent to filing in the Office of the Secretary of State.

[] Brackets denote deletion of existing language
___ Underlining denotes addition of new language

DATED: October 17, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: November 2, 2006

After a public hearing duly held on October 31, 2006
Filed with the Secretary of State on November 24, 2006

Legislator Alden made motion for the following resolution, seconded by Legislator Eddington. The resolution was passed 17-0-0-1. Legislator Montano was not present.

Intro. Res. No. 2150-2006

Laid on Table 9/19/2006

Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. 1093 -2006, APPROVING THE
REAPPOINTMENT OF SALVATORE ESCALDI AS A MEMBER
OF THE SUFFOLK COUNTY PLUMBING LICENSING BOARD**

WHEREAS, the term of office of Salvatore Escaldi, expired on December 31, 2005; now, therefore be it

RESOLVED, that the reappointment of Salvatore Escaldi of 71 Sheffield Avenue, North Babylon, New York 11704 as a member of the Suffolk County Plumbing Licensing Board, for a term of office expiring December 31, 2008, is hereby approved; said reappointment having been made by the County Executive pursuant to the provisions of Suffolk County Code Chapter 275 Section 275-6.A.(2).

DATED: October 17, 2006

APPROVED BY:

/s/ Steve Levy

County Executive of Suffolk County

Date: November 2, 2006

Legislator Alden made motion for the following resolution, seconded by Legislator Eddington. The resolution was passed 17-0-0-1. Legislator Montano was not present.

Intro. Res. No. 2151-2006

Laid on Table 9/19/2006

Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 1094 -2006, APPROVING THE REAPPOINTMENT OF RICHARD M. LEO AS A MEMBER OF THE SUFFOLK COUNTY PLUMBING LICENSING BOARD

WHEREAS, the term of office of Richard M. Leo, expired on December 31, 2005; now, therefore be it

RESOLVED, that the reappointment of Richard M. Leo of P. O. Box 174, Islip, New York 11751 as a member of the Suffolk County Plumbing Licensing Board, for a term of office expiring December 31, 2008, is hereby approved; said reappointment having been made by the County Executive pursuant to the provisions of Suffolk County Code Chapter 275 Section 275-6.A.(2).

DATED: October 17, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: November 2, 2006

Legislator Alden made motion for the following resolution, seconded by Legislator Eddington. The resolution was passed 17-0-0-1. Legislator Montano was not present.

Intro. Res. No. 2152-2006

Laid on Table 9/19/2006

Introduced by Presiding Officer, request of the County Executive

RESOLUTION NO. 1095 -2006, APPROVING THE REAPPOINTMENT OF LINDA PERLOW AS A MEMBER OF THE SUFFOLK COUNTY HOME IMPROVEMENT CONTRACTORS LICENSING BOARD

WHEREAS, the term of office of Linda Perlow, expired on December 31, 2005; now, therefore be it

RESOLVED, that the reappointment of Linda Perlow of 25 Northfield Drive West, Lake Ronkonkoma, New York 11779 as a member of the Suffolk County Home Improvement Contractors Licensing Board, for a term of office expiring December 31, 2008, is hereby approved; said reappointment having been made by the County Executive pursuant to the provisions of Suffolk County Code Chapter 345 Section 345-25.A.

DATED: October 17, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: November 2, 2006

Legislator Alden made motion for the following resolution, seconded by Legislator Eddington. The resolution was passed 17-0-0-1. Legislator Montano was not present.

Intro. Res. No. 2161-2006

Laid on Table 9/19/2006

Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 1096 -2006, APPROVING THE REAPPOINTMENT OF DOUGLAS S. CALLAHAN AS A MEMBER OF THE SUFFOLK COUNTY HOME APPLIANCE REPAIR LICENSING BOARD

WHEREAS, the term of office of Douglas S. Callahan, expired on May 13, 2005; now, therefore be it

RESOLVED, that the reappointment of Douglas S. Callahan of 7 Dougbeth Court, Holbrook, New York 11741 as a member of the Suffolk County Home Appliance Repair Licensing Board, for a term of office expiring May 13, 2008, is hereby approved; said reappointment having been made by the County Executive pursuant to the provisions of Suffolk County Code Chapter 345 Section 345-27.A.

DATED: October 17, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: November 2, 2006

Legislator Alden made motion for the following resolution, seconded by Legislator Eddington. The resolution was passed 17-0-0-1. Legislator Montano was not

present.

Intro. Res. No. 2162-2006

Laid on Table 9/19/2006

Introduced by Presiding Officer on request of the County Executive

RESOLUTION NO. 1097 -2006, APPROVING THE REAPPOINTMENT OF DONALD W. SCOTT AS A MEMBER OF THE SUFFOLK COUNTY PLUMBING LICENSING BOARD

WHEREAS, the term of office of Donald W. Scott, expired on December 31, 2004; now, therefore be it

RESOLVED, that the reappointment of Donald W. Scott of 276 Washington Avenue, St. James, New York 11780 as a member of the Suffolk County Plumbing Licensing Board, for a term of office expiring December 31, 2007, is hereby approved; said reappointment having been made by the County Executive pursuant to the provisions of Suffolk County Code Chapter 275 Section 275-6.A.(2).

DATED: October 17, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: November 2, 2006

Legislator Horsley made motion for the following resolution, seconded by Legislator Cooper. The resolution was passed 18-0.

Intro. Res. No. 2167-2006

Laid on Table 9/19/2006

Introduced by Legislators Horsley and Mystal

RESOLUTION NO. 1098 -2006, ESTABLISHING A PERMANENT DOWNTOWN REVITALIZATION CITIZENS ADVISORY PANEL

WHEREAS, Resolution No. 444-1997 created a Citizens Advisory Panel to assist in developing a County-wide comprehensive downtown revitalization plan; and

WHEREAS, pursuant to Resolution No. 444-1997, the Advisory Panel was to expire on March 31, 1998; and

WHEREAS, the life of the Citizens Advisory Panel was extended by Resolution Nos. 420-1998, 144-1999, 160-2000, 116-2003, 478-2004, and 871-2004; and

WHEREAS, since its creation in 1998, the duties of the Downtown Revitalization Citizens Advisory Panel have evolved; presently, the 20 member panel reviews all applications for County downtown revitalization funding; and

WHEREAS, it is the desire of this Legislature to establish the Downtown Revitalization Citizens Advisory Panel as a permanent advisory entity, and to delineate its revised functions and duties; now, therefore be it

1st RESOLVED, that the 14th RESOLVED Clause of Resolution No. 444-1997 is hereby repealed; and be it further

2nd RESOLVED, that in addition to the duties described in Resolution No. 444-1997, and in Exhibit "A" of Resolution No. 420-1998, the Downtown Revitalization Citizens Advisory Panel shall review all applications for County funding of downtown revitalization projects and make recommendations to this Legislature, which shall be advisory in nature; and be it further

3rd RESOLVED, that all the other terms and conditions of Resolution No. 444-1997, as amended, shall remain in full force and effect; and be it further

4th RESOLVED, that this Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this resolution constitutes a Type II action pursuant to Section 617.5(c)(20), (21) and (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management and information collection, and the Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this resolution.

DATED: October 17, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: November 2, 2006

Legislator Losquadro made motion for the following resolution, seconded by Legislator Eddington. The resolution was passed 18-0.

Intro. Res. No. 2180-2006

Laid on Table 9/19/2006

Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 1099 -2006, AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE AN AGREEMENT WITH THE GUILD OF ADMINISTRATIVE OFFICERS, SUFFOLK COUNTY COMMUNITY COLLEGE, COVERING THE TERMS AND CONDITIONS OF EMPLOYMENT FOR EMPLOYEES COVERED UNDER BARGAINING UNIT NO. 4 FOR THE PERIOD SEPTEMBER 1, 2005 THROUGH AUGUST 31, 2011

WHEREAS, the County Executive, the Director of Labor Relations, and the President of the Guild of Administrative Officers of Suffolk County Community College have reached an agreement covering the terms and conditions of employment for the period September 1, 2005 through August 31, 2011, subject to approval, to the extent necessary, by the Suffolk County Legislature; and

WHEREAS, such accepted agreement has been set down as a Stipulation of Agreement, a copy of which has been filed with the Clerk of the Suffolk County Legislature; now, therefore be it

RESOLVED, that the County Executive be authorized to execute an agreement with the Guild of Administrative Officers of Suffolk County Community College, in accordance with the Stipulation of Agreement dated August 24, 2006, a copy of which is on file with the Clerk of the Suffolk County Legislature, covering the terms and conditions of employment for the period September 1, 2005 through August 31, 2011.

DATED: October 17, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: October 20, 2006

Deputy Presiding Officer Vioria-Fisher made motion for the following resolution, seconded by Legislator Cooper. The resolution was passed 18-0.

Intro. Res. No. 2080-2006

Laid on Table 8/22/2006

Introduced by Presiding Officer, on request of the County Executive and Legislator Romaine

RESOLUTION NO. 1100 -2006, AUTHORIZING ACQUISITION OF LAND UNDER THE SUFFOLK COUNTY SAVE OPEN SPACE (SOS), FARMLAND PRESERVATION, AND HAMLET PARKS FUND – OPEN SPACE COMPONENT FOR THE O’HARA, DALTON, ESTATE OF FREIDMAN AND GREEN PROPERTY – HASHAMOMUCK POND (TOWN OF SOUTHOLD – SCTM NO. 1000-056.00-06.00-001.000)

WHEREAS, Local Law No. 34-2004, a “Charter Law Adding Article XXXVI to the Suffolk County Charter to Provide a Suffolk County Save Open Space (SOS), Farmland Preservation, and Hamlet Parks Fund and Permitting the Transfer of Development Rights” was approved by the electorate on November 2, 2004; and

WHEREAS, Resolution No. 1361-2004 appropriated \$30 million for acquisitions under the Open Space component of the Suffolk County Save Open Space (SOS), Farmland Preservation, and Hamlet Parks Fund; and

WHEREAS, Resolution No. 877-2005, authorized planning steps for the acquisition of the subject property; and

WHEREAS, the Environmental Trust Review Board has reviewed the appraisals and the report of the Internal Appraisal Review Board and has approved the purchase price and authorized the Director of the Division of Real Property Acquisition and Management to negotiate the acquisition; now, therefore be it

1st RESOLVED, that the County of Suffolk hereby approves the acquisition of the subject property set forth below under the Suffolk County Save Open Space (SOS), Farmland Preservation, and Hamlet Parks Fund, Open Space component, for a total purchase price of Two Hundred and Sixty Thousand Dollars (\$260,000.00±), at One Hundred Thousand Dollars (\$100,000.00) per acre for 2.6± acres, subject to a final survey; and hereby approves additional expenses, which shall include but not be limited to the cost of surveys, appraisals, environmental audits, title reports and insurance, and tax adjustments:

<u>PARCEL:</u>	<u>SUFFOLK COUNTY TAX MAP NUMBER:</u>	<u>ACRES:</u>	<u>REPUTED OWNER AND ADDRESS:</u>
No. 1	District 1000 Section 056.00 Block 06.00 Lot 001.000	2.6± acres	Phillip O'Hara, Lawrence Dalton, Estate of Charles Freidman & Eli Green 140 Remsen Street Brooklyn, NY 11201

and be it further

2nd RESOLVED, that the Director of the Division of Real Property Acquisition and Management and/or her designee, is hereby authorized, empowered, and directed, pursuant to Section C42-2(C)(3)(d) of the SUFFOLK COUNTY CHARTER, to acquire the parcel(s) listed herein above from the reputed owner, the funding for which shall be provided under the Suffolk County Save Open Space, Farmland Preservation, and Hamlet Parks Fund, Section C36-1(A)(1), of the SUFFOLK COUNTY CHARTER for the purchase price of Two Hundred Sixty Thousand Dollars (\$260,000.00±), subject to a final survey; and be it further

3rd RESOLVED, that the County Comptroller and County Treasurer are hereby authorized to reserve and to pay \$260,000.00±, subject to a final survey, from previously appropriated funds in Capital Project 525-CAP-8705.210, the Suffolk County Save Open Space (SOS), Farmland Preservation, and Hamlet Parks Fund, Open Space component, Section C36-1(A)(1), for this acquisition; and be it further

4th RESOLVED, that the Director of the Division of Real Property Acquisition and Management and/or her designee; the County Planning Department; and the County Department of Public Works are hereby authorized, empowered, and directed to take such actions and to pay such additional expenses as may be necessary and appropriate to consummate such acquisition, including,

but not limited to, securing appraisals, title insurance and title reports, obtaining surveys, engineering reports and environmental audits, making tax adjustments and executing such other documents as are required to acquire such County interest in said lands; and be it further

5th RESOLVED, that this property is not to be developed and is being purchased through the Save Open Space Bond Act in accordance with Suffolk County Resolution No. 840-2004, zero (0) Workforce Housing Development Rights shall be removed and placed in the Suffolk County Open Space Bond Act Workforce Housing Transfer of Development Rights Program registry pursuant to the Workforce Housing Development Rights Program as developed by the Department of Planning and approved by the Suffolk County Executive and the Suffolk County Legislature; and be it further

6th RESOLVED, that the subject parcel(s) shall be transferred to the Department of Parks, Recreation and Conservation for passive recreational use; and be it further

7th RESOLVED, that the above activity is an unlisted action pursuant to the provisions of Title 6 NYCRR, Part 617; and be it further

8th RESOLVED, that the project will not have a significant effect on the environment for the following reasons:

- 1.) the proposed action will not exceed any of the criteria in 6 NYCRR, Section 617.7, which sets forth thresholds for determining significant effect on the environment, as demonstrated in the Environmental Assessment Form; and
- 2.) the proposed use of the subject parcel(s) will be passive recreation; and
- 3.) if not acquired, the property will most likely be developed for residential purposes, incurring far greater environmental impact than the proposed acquisition and preservation of the site would have; and be it further

9th RESOLVED, in accordance with Section 279-5(C)(4) of the SUFFOLK COUNTY CODE, the Suffolk County Council on Environmental Quality is hereby directed to prepare and circulate any appropriate notices or determinations in accordance with this resolution.

DATED: October 17, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: October 20, 2006

Legislator Romaine made motion for the following resolution, seconded by Legislator Schneiderman. The resolution was passed 18-0.

Intro. Res. No. 2081-2006

Laid on Table 8/22/2006

Introduced by Presiding Officer, on request of the County Executive and Legislator Romaine

RESOLUTION NO. 1101 -2006, AUTHORIZING ACQUISITION OF LAND UNDER THE SUFFOLK COUNTY SAVE OPEN SPACE (SOS), FARMLAND PRESERVATION, AND HAMLET PARKS FUND – OPEN SPACE COMPONENT FOR THE O'DOHERTY PROPERTY – HASHAMOMUCK POND (TOWN OF SOUTHOLD - SCTM NO. 1000-056.00-01.00-005.001)

WHEREAS, Local Law No. 34-2004, a “Charter Law Adding Article XXXVI to the Suffolk County Charter to Provide a Suffolk County Save Open Space (SOS), Farmland Preservation, and Hamlet Parks Fund and Permitting the Transfer of Development Rights” was approved by the electorate on November 2, 2004; and

WHEREAS, Resolution No. 1361-2004 appropriated \$30 million for acquisitions under the Open Space component of the Suffolk County Save Open Space (SOS), Farmland Preservation, and Hamlet Parks Fund; and

WHEREAS, Resolution No. 621-2004, authorized planning steps for the acquisition of the subject property; and

WHEREAS, the Environmental Trust Review Board has reviewed the appraisals and the report of the Internal Appraisal Review Board and has approved the purchase price and authorized the Director of the Division of Real Property Acquisition and Management to negotiate the acquisition; now, therefore be it

1st RESOLVED, that the County of Suffolk hereby approves the acquisition of the subject property set forth below under the Suffolk County Save Open Space (SOS), Farmland Preservation, and Hamlet Parks Fund, Open Space component, for a total purchase price of Eight Hundred Five Thousand Dollars (\$805,000.00±), subject to a final survey; and hereby approves additional expenses, which shall include but not be limited to the cost of surveys, appraisals, environmental audits, title reports and insurance, and tax adjustments:

<u>PARCEL:</u>	<u>SUFFOLK COUNTY TAX MAP NUMBER:</u>	<u>ACRES:</u>	<u>REPUTED OWNER AND ADDRESS:</u>
No. 1	District 1000	7.4± acres	James P. O'Doherty & Angela M. O'Doherty
	Section 056.00		19869 Greenbriar Drive
	Block 01.00		Tarzana, CA 91356
	Lot 005.001		

and be it further

2nd RESOLVED, that the Director of the Division of Real Property Acquisition and Management and/or her designee, is hereby authorized, empowered, and directed, pursuant to Section C42-2(C)(3)(d) of the SUFFOLK COUNTY CHARTER, to acquire the parcel(s) listed herein above from the reputed owner, the funding for which shall be provided under the Suffolk County Save Open Space, Farmland Preservation, and Hamlet Parks Fund, Section C36-1(A)(1), of the SUFFOLK COUNTY CHARTER for the purchase price of Eight Hundred Five Thousand Dollars (\$805,000.00±), subject to a final survey; and be it further

3rd RESOLVED, that the County Comptroller and County Treasurer are hereby authorized to reserve and to pay \$805,000.00±, subject to a final survey, from previously appropriated funds in Capital Project 525-CAP-8705.210, the Suffolk County Save Open Space (SOS), Farmland Preservation, and Hamlet Parks Fund, Open Space component, Section C36-1(A)(1), for this acquisition; and be it further

4th RESOLVED, that the Director of the Division of Real Property Acquisition and Management and/or her designee; the County Planning Department; and the County Department of Public Works are hereby authorized, empowered, and directed to take such actions and to pay such additional expenses as may be necessary and appropriate to consummate such acquisition, including, but not limited to, securing appraisals, title insurance and title reports, obtaining surveys, engineering reports and environmental audits, making tax adjustments and executing such other documents as are required to acquire such County interest in said lands; and be it further

5th RESOLVED, that this property is not to be developed and is being purchased through the Save Open Space Bond Act in accordance with Suffolk County Resolution No. 840-2004, One (1) Workforce Housing Development Right shall be removed and placed in the Suffolk County Open Space Bond Act Workforce Housing Transfer of Development Rights Program registry pursuant to the Workforce Housing Development Rights Program as developed by the Department of Planning and approved by the Suffolk County Executive and the Suffolk County Legislature; and, be it further

6th RESOLVED, that the subject parcel(s) shall be transferred to the Department of Parks, Recreation and Conservation for passive recreational use; and be it further

7th RESOLVED, that the above activity is an unlisted action pursuant to the provisions of Title 6 NYCRR, Part 617; and be it further

8th RESOLVED, that the project will not have a significant effect on the environment for the following reasons:

- 1.) the proposed action will not exceed any of the criteria in 6 NYCRR, Section 617.7, which sets forth thresholds for determining significant effect on the environment, as demonstrated in the Environmental Assessment Form; and
- 2.) the proposed use of the subject parcel(s) will be passive recreation; and
- 3.) if not acquired, the property will most likely be developed for residential purposes, incurring far greater environmental impact than the proposed acquisition and preservation of the site would have; and be it further

9th RESOLVED, in accordance with Section 279-5(C)(4) of the SUFFOLK COUNTY CODE, the Suffolk County Council on Environmental Quality is hereby directed to prepare and circulate any appropriate notices or determinations in accordance with this resolution.

DATED: October 17, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: October 20, 2006

Legislator Mystal made motion for the following resolution, seconded by Legislator Horsley. The resolution was passed 18-0.

Intro. Res. No. 2082-2006

Laid on Table 8/22/2006

Introduced by Presiding Officer, on request of the County Executive and Legislator Horsley

**RESOLUTION NO. 1102 –2006, AUTHORIZING
ACQUISITION OF LAND UNDER THE SUFFOLK COUNTY
MULTIFACETED LAND PRESERVATION PROGRAM –
OPEN SPACE PRESERVATION PROGRAM - FOR THE
NEW ALLIED REALTY CORP. PROPERTY –
SANTAPOGUE CREEK (TOWN OF BABYLON – SCTM
NO. 0100-219.00-01.00-004.000)**

WHEREAS, the 5th RESOLVED clause of Resolution No. 459-2001 established the Suffolk County Multifaceted Land Preservation Program for acquisitions to be consummated pursuant to Resolution No. 751-1997; pursuant to the traditional Suffolk County Open Space Program; pursuant to Chapter 8 of the SUFFOLK COUNTY CODE; for parkland purposes; for environmentally sensitive land acquisition; for watershed and/or estuary protection; for drinking water protection purposes; or in accordance with the programmatic criteria set forth in Resolution No. 602-2001 designated as the Suffolk County Active Parklands Stage II Acquisition Program; and

WHEREAS, Resolution No. 1121-2005 appropriated \$12,051,750.00 for acquisitions under the Suffolk County Multifaceted Land Preservation Program; and

WHEREAS, Resolution No. 621-2004 authorized planning steps for acquisition of the subject property; and

WHEREAS, the Environmental Trust Review Board has reviewed the appraisals and the report of the Internal Appraisal Review Board and has approved the purchase price and authorized the Director of the Division of Real Property Acquisition and Management to negotiate the acquisition; now, therefore be it

1st RESOLVED, that the County of Suffolk hereby approves the acquisition of the subject property set forth below under the Suffolk County Multifaceted Land Preservation Program pursuant to the traditional Suffolk County Open Space Preservation Program (1986 et seq), for a total purchase price of Sixty Three Thousand One Hundred Sixty Two Dollars (\$63,162.00±), subject to a final survey; and hereby authorizes additional expenses, which shall include but not be limited to the cost of surveys, appraisals, environmental audits, title reports and insurance, and tax adjustments:

<u>PARCEL:</u>	<u>SUFFOLK COUNTY</u>		<u>REPUTED OWNER</u>
	<u>TAX MAP NUMBER:</u>		<u>ACRES: AND ADDRESS:</u>
No. 1	District 0100	1.00±	New Allied Realty Corp.
	Section 219.00		425 West Neck Road
	Block 01.00		Huntington, NY 11743
	Lot 004.000		

and be it further

2nd RESOLVED, that the Director of the Division of Real Property Acquisition and Management and/or her designee, is hereby authorized, empowered, and directed, pursuant to Section C42-2(C)(3)(d) of the SUFFOLK COUNTY CHARTER, to acquire the parcel(s) listed herein above from the reputed owner, the funding for which shall be provided under the Suffolk County Multifaceted Land Preservation Program, for a purchase price of Sixty Three Thousand One Hundred Sixty Two Dollars (\$63,162.00±), subject to a final survey; and be it further

3rd RESOLVED, that the County Comptroller and County Treasurer are hereby authorized to reserve and to pay \$63,162.00±, subject to a final survey, from previously appropriated funds in Capital Project 525-CAP-7177.227, Suffolk County Multifaceted Land Preservation Program, for this acquisition; and be it further

4th RESOLVED, that the Director of the Division of Real Property Acquisition and Management and/or her designee; the County Planning Department; and the County Department of Public Works are hereby authorized, empowered, and directed to take such other actions and to pay such additional expenses as may be necessary and appropriate to consummate such acquisition, including, but

not limited to, securing appraisals, title insurance and title reports, obtaining surveys, engineering reports, and environmental audits, making tax adjustments, and executing such other documents as are required to acquire such County interest in said lands; and be it further

5th RESOLVED, that the subject parcel(s) shall be transferred to the Department of Parks, Recreation and Conservation for passive recreational use; and be it further

6th RESOLVED, that the above activity is an unlisted action pursuant to the provisions of Title 6 NYCRR, Part 617; and be it further

7th RESOLVED, that the project will not have a significant effect on the environment for the following reasons:

- 1.) the proposed action will not exceed any of the criteria in 6 NYCRR, Section 617.7, which sets forth thresholds for determining significant effect on the environment, as demonstrated in the Environmental Assessment Form; and
- 2.) the proposed use of the subject parcel(s) will be passive recreation; and
- 3.) if not acquired, the property will most likely be developed for residential purposes, incurring far greater environmental impact than the proposed acquisition and preservation of the site would have; and be it further

8th RESOLVED, that in accordance with Section 279-5(C)(4) of the SUFFOLK COUNTY CODE, the Suffolk County Council on Environmental Quality is hereby directed to prepare and circulate any appropriate notices or determinations in accordance with this resolution.

DATED: October 17, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: October 20, 2006

Deputy Presiding Officer Vilorio-Fisher made motion for the following resolution, seconded by Presiding Officer Lindsay. The resolution was passed 17-0-1-0. Legislator Romaine abstained.

Intro. Res. No. 2102-2006
Introduced by the Presiding Officer

Laid on Table 9/19/2006

RESOLUTION NO. 1103 -2006, MAKING A RECOMMENDATION CONCERNING THE REVIEW AND COMMENTS ON THE PROPOSED VECTOR CONTROL AND WETLANDS MANAGEMENT LONG TERM PLAN DRAFT GENERIC ENVIRONMENTAL IMPACT STATEMENT (DGEIS) AND REQUIRING THE PREPARATION OF A FINAL GENERIC ENVIRONMENTAL IMPACT STATEMENT (FGEIS)

WHEREAS, the Suffolk County Legislature approved Resolution No. 688-2002, which adopted a Positive Declaration requiring the preparation of a Draft Generic Environmental Impact Statement (DGEIS) on the Proposed Vector Control and Wetlands Management Long Term Plan; and

WHEREAS, on December 18, 2003, the Suffolk County Legislature adopted Resolution No. 1122-2003, Final Scope of the Generic Environmental Impact Statement for Suffolk County Vector Control and Wetlands Management Long Term Plan after a Scoping Hearing was held by CEQ on September 20, 2002 and CEQ recommended on November 27, 2002 that a final scope for the DGEIS be approved by the County of Suffolk; and

WHEREAS, on May 17, 2006, the County of Suffolk accepted the DGEIS as satisfactory and filed a Joint Notice of Completion and Public Hearing pursuant to Title 6 NYCRR Part 617.12; and

WHEREAS, Public Hearings on the DGEIS were held on June 29, 2006 in Riverhead and July 6, 2006 in Hauppauge, at which time public comments and associated materials were received; and

WHEREAS, significant written comments on the DGEIS were submitted prior to the August 9, 2006 CEQ meeting; and

WHEREAS, CEQ accepted all oral and written comments received on the DGEIS up to August 9, 2006; now, therefore be it

1st RESOLVED, that this Legislature hereby determines that based on the oral and written comments presented and received, and pursuant to SEQRA and Chapter 279 of the Suffolk County Code, that a Final Generic Environmental Impact Statement (FGEIS) for the

Vector Control & Wetlands Management Long Term Plan be prepared in conformance with the requirements set forth in Title 6 NYCRR Parts 617.9 and 617.1, and Chapter 279 of the Suffolk County Code; and be it further

2nd **RESOLVED**, that a copy of this Resolution shall be filed with the Suffolk County Clerk, the initiating unit of said project, and with the CEQ; and be it further

3rd **RESOLVED**, that in accordance with Section C1-4(1)(d) of the SUFFOLK COUNTY CHARTER and Section 279-5(C)(4) of the SUFFOLK COUNTY CODE, the CEQ is hereby directed to prepare and circulate the necessary SEQRA notices in accordance with this Resolution.

DATED: October 17, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: October 20, 2006

Presiding Officer Lindsay made motion for the following resolution, seconded by Legislator Barraga. The resolution was passed 18-0.

Intro. Res. No. 2118-2006
Introduced by Presiding Officer Lindsay

Laid on Table 9/19/2006

RESOLUTION NO. 1104 -2006, AUTHORIZING PLANNING STEPS FOR ACQUISITION UNDER SUFFOLK COUNTY SAVE OPEN SPACE (SOS), FARMLAND PRESERVATION, AND HAMLET PARKS FUND (UNION CEMETERY PROPERTY) TOWN OF ISLIP (SCTM NO. 0500-357.00-03.00-019.000 p/o)

WHEREAS, Resolution No. 840-2004 adding Article XXXVI to the SUFFOLK COUNTY CHARTER established the Suffolk County Save Open Space (SOS), Farmland Preservation and Hamlet Parks Fund for the preservation of open space; the acquisition of lands to be used as Hamlet Greens, Hamlet Parks or Pocket Parks; and for the acquisition of farmland development rights; and

WHEREAS, there are sufficient revenues to fund land acquisition in Capital Project No. 8706.210, Project Name: Hamlet Greens, Hamlet Parks or Pocket Parks; now, therefore be it

1st **RESOLVED**, that the Director of the Division of Real Property Acquisition and Management within the County Department of Environment and Energy, or his or her deputy, is hereby authorized, empowered, and directed, pursuant to Section 42-2(C) of the SUFFOLK COUNTY CHARTER, to take all preliminary planning steps (i.e. survey, appraisal, title search, and environmental audit) as shall be necessary and appropriate as set forth in the 3rd RESOLVED clause of this Resolution, funding for which shall be provided in Capital Project No. 8706.210, to acquire title to the parcels listed herein below from the reputed owners for inclusion

in the Suffolk County Save Open Space (SOS) Farmland Preservation and Hamlet Parks Fund for Hamlet Greens, Hamlet Parks, or Pocket Parks purposes;

<u>PARCEL</u>	<u>SUFFOLK COUNTY TAX MAP NUMBER</u>	<u>ACRES</u>	<u>REPUTED OWNER AND ADDRESS</u>
1	District: 0500 Section 357.00 Block 03.00 Lot 019.000p/o	1.00	Union Cemetery Association of Sayville, Inc.

and be it further

2nd RESOLVED, that this proposed acquisition shall be consummated in accordance with, and subject to, the provisions of Sections C36-1(A)(2)(5) and (6) of the SUFFOLK COUNTY CHARTER in connection with the Hamlet Greens, Hamlet Parks or Pocket Parks acquisitions; and be it further

3rd RESOLVED, that the County Department of Environment and Energy, Division of Real Property Acquisition and Management, the County Department of Planning, the County Department of Public Works, and/or the County Department of Parks, Recreation and Conservation are hereby authorized, empowered, and directed to take such other actions as may be necessary and appropriate, in connection with planning for such acquisition, to secure appraisals, obtain surveys, obtain engineering reports, and secure title insurance for such lands; and be it further

4th RESOLVED, that any unencumbered, unallocated funds available at the conclusion of the consummation of the acquisition of these proposed parcels shall be appropriated to future and subsequent acquisitions under the Suffolk County Save Open Space (SOS), Farmland Preservation and Hamlet Parks Fund; and be it further

5th RESOLVED, that this Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this resolution constitutes a Type II action pursuant to Section 617.5(c)(20) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as continuing agency administration, management and information collection, and the Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this resolution.

DATED: October 17, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: October 20, 2006

Legislator Cooper made motion for the following resolution, seconded by Deputy

Presiding Officer Vloria-Fisher. The resolution was passed 18-0.

Intro. Res. No. 2129A-2006

BOND RESOLUTION NO. 1105 -2006

BOND RESOLUTION OF THE COUNTY OF SUFFOLK, NEW YORK, AUTHORIZING THE ISSUANCE OF \$1,000,000 BONDS TO FINANCE A PART OF THE COST OF THE SUFFOLK COUNTY FARMLAND PRESERVATION PROGRAM FOR THE ACQUISITION OF AGRICULTURAL DEVELOPMENT RIGHTS WHICH IS EXPECTED TO BE PAID FROM GRANT FUNDS TO BE RECEIVED FROM THE STATE OF NEW YORK (CP 8701.211)

THE COUNTY LEGISLATURE OF THE COUNTY OF SUFFOLK, NEW YORK, HEREBY RESOLVES (by the favorable vote of not less than two-thirds of all the members of said County Legislature) AS FOLLOWS:

Section 1. The County of Suffolk, New York (herein called the "County"), is hereby authorized to issue bonds in the principal amount of \$1,000,000 pursuant to the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (referred to herein as the "Law"), the Suffolk County Charter and other applicable laws, to finance a part of the cost of the Suffolk County Farmland Preservation Program for the acquisition of agricultural development rights which is expected to be paid from grant funds to be received from the State of New York, as authorized in the 2006 Capital Budget and Program, as amended. The estimated maximum cost of the project described herein, including preliminary costs and costs incidental thereto and the financing thereof, is \$5,650,000. The plan of financing includes (a) the issuance of \$3,650,000 bonds or bond anticipation notes heretofore authorized pursuant to Bond Resolution No. 1188-2002, (b) the issuance of \$1,000,000 bonds or bond anticipation notes heretofore authorized pursuant to Bond Resolution No. 339-2003, (c) the issuance of \$1,000,000 bonds or bond anticipation notes authorized pursuant to this resolution and (d) the levy and collection of taxes on all the taxable real property in the County to pay the principal of said bonds or notes and the interest thereon as the same shall become due and payable. It is expected that grant funds from the State of New York shall be received to pay a part of the cost of the project and any such aid is authorized to be expended for such purpose. Bond anticipation notes are authorized to be issued in the principal amount of up to \$1,000,000. It is not expected that serial bonds shall be issued for such purpose.

Section 2. The period of probable usefulness applicable to the object or purpose for which said bonds are authorized to be issued, within the limitations of Section 11.00 a. 21(a) of the Law, is thirty (30) years.

Section 3. The proceeds of the bonds herein authorized, and any bond anticipation notes issued in anticipation of said bonds, may be applied to reimburse the County for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized, or for such expenditures made on or prior to the effective date if a prior statement of intent to issue bonds has been made. The foregoing statement of intent with

respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

Section 4. Each of the bonds authorized by this resolution, and any bond anticipation notes issued in anticipation of the sale of said bonds, shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds, and any notes issued in anticipation of said bonds, shall be general obligations of the County, payable as to both principal and interest by a general tax upon all the taxable real property within the County without limitation as to rate or amount. The faith and credit of the County are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds, and any notes issued in anticipation of the sale of said bonds, and provision shall be made annually in the budget of the County by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Resolution No. 320 of 1966, as amended by Resolution No. 81 of 1972, and Section 21.00 of the Law relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and Section 50.00 and Sections 56.00 to 60.00 and 168.00 of the Law, the powers and duties of the County Legislature relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, and relative to executing contracts for credit enhancements and providing for substantially level or declining annual debt service, are hereby delegated to the County Comptroller, the chief fiscal officer of the County.

Section 6. The validity of the bonds authorized by this resolution, and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the County is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such resolution, or a summary thereof, are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- (c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This bond resolution shall take effect immediately upon approval by the County Executive, and the Clerk of the Legislature is hereby authorized and directed to publish the foregoing resolution, in summary or in full, together with a Notice attached in

substantially the form prescribed by Section 81.00 of the Law in the official newspaper(s) of the County.

DATED: October 17, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: October 20, 2006

Legislator Cooper made motion for the following resolution, seconded by Deputy Presiding Officer Viloría-Fisher. The resolution was passed 18-0.

Intro. Res. No. 2129-2006

Laid on Table 9/19/2006

Introduced by Presiding Officer, on request of County Executive and Legislator Romaine

RESOLUTION NO. 1106 -2006, AMENDING THE 2006 CAPITAL BUDGET AND PROGRAM BY ACCEPTING AND APPROPRIATING UP TO 75% GRANT FUNDS IN THE AMOUNT OF \$1,000,000 FROM THE NEW YORK STATE DEPARTMENT OF AGRICULTURE AND MARKETS (GRANT C800589) TO THE SUFFOLK COUNTY FARMLAND PRESERVATION PROGRAM FOR THE ACQUISITION OF AGRICULTURAL DEVELOPMENT RIGHTS (CP 8701)

WHEREAS, pursuant to Agricultural and Markets Law Article 25AAA, the New York State Department of Agriculture and Markets offers an Agricultural and Farmland Protection Implementation Grant; and

WHEREAS, the Suffolk County Planning Department has been advised that a grant in the amount of \$1,000,000 for the acquisition of Agricultural Development Rights has been awarded; and

WHEREAS, said funds for acquisitions are provided for in the attached contract (C800589/06-PL-001A) between the New York State Department of Agriculture and Markets and the County of Suffolk; and

WHEREAS, the State funds may be used for up to seventy-five percent (75%) of the cost of such acquisitions; and

WHEREAS, Capital Project 8701 – Acquisition of Farmland has uncommitted appropriations available to be used as the County’s match for said grant; and

WHEREAS, the County must first instance fund the entire cost of the project and will subsequently be reimbursed for the State portion; and

WHEREAS, Suffolk County recognizes the importance of the agricultural industry to the County and has committed substantial resources to the preservation of farmland resulting in the protection of approximately 8000 acres of prime farmland; and

WHEREAS, the Suffolk County Farmland Preservation Plan recommends a need for the protection of 20,000 acres of farmland through the acquisition of development rights by the County and other levels of government and/or the use of other means of farmland protection such as local zoning and subdivision land use techniques; and

WHEREAS, the grant will make it possible for the County of Suffolk to protect additional farmland through the leveraging of County funds with State funds; and

WHEREAS, Resolution No. 471-1994, as revised by Resolution No. 571-1998 and reaffirmed by Resolution No. 209-2000, has established a priority ranking system, implemented in the Adopted 2006 Capital Budget, as the basis for funding capital projects such as this project; and

WHEREAS, the County Legislature, by resolution of even date herewith, has authorized the issuance of \$1,000,000 in Suffolk County Serial Bonds; now, therefore be it

RESOLVED, that it is hereby determined that this project, with a priority ranking of fifty-four (54) is eligible for approval in accordance with the provisions of Resolution No. 471-1994, as revised by Resolution No. 571-1998 and reaffirmed by Resolution No. 209-2000; and be it further

RESOLVED, that this Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this resolution constitutes a Type II action pursuant to 6 N.Y.C.R.R. Sections 617.5 (c) (20) and (27) of the New York Code of Rules and Regulations since such actions are simply legislative decisions administering and implementing the acquisition of farmland development rights as set forth in the adopted Suffolk County Farmland Preservation Program which will mainly result in a beneficial impact; since this resolution is a Type II Action, the Legislature has no further responsibilities under SEQRA; and be it further

RESOLVED, that the 2006 Capital Budget and Program be amended as follows:

Project No.: 8701
 Project Title: Acquisition of Farmland

	<u>Total Est'd. Cost</u>	<u>Current 2006 Capital Budget & Program</u>	<u>Revised 2006 Capital Budget & Program</u>
2. Land Acquisition	\$32,322,401	\$0	\$1,000,000S
TOTAL	\$32,322,401	\$0	\$1,000,000

and be it further

RESOLVED, that the State grant funds in the amount of \$1,000,000 be, and hereby are appropriated as follows:

<u>Project No.</u>	<u>Project Title</u>	<u>Amount</u>
Ref-525-8701.211	Acquisition of Farmland	\$1,000,000

and be it further

RESOLVED, that the County Comptroller is authorized to issue bond anticipation notes for the total State share of \$1,000,000; and be it further

RESOLVED, that the County Treasurer and the County Comptroller are authorized to accept State Aid in connection with this project; and be it further

RESOLVED, that the County Executive and/or the Director of Planning are authorized to accept the grant on behalf of the County of Suffolk, to take all necessary actions and to execute all necessary agreements including an Agreement with the New York State Department of Agriculture and Markets to effectuate this grant.

DATED: October 17, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: October 20, 2006

Deputy Presiding Officer Viloría-Fisher made motion for the following resolution, seconded by Legislator Cooper. The resolution was passed 12-3-3-0. Legislators Eddington, Stern and D’Amaro voted no. Legislators Horsley, Mystal and Cooper abstained.

Intro. Res. No. 2136-2006

Laid on Table 9/19/2006

Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 1107 -2006, ACCEPTING A DONATION OF REAL PROPERTY FOR OPEN SPACE PURPOSES - A SCDHS BOARD OF REVIEW TRANSFER OF DEVELOPMENT RIGHTS (FILE NO. S02-05-0027)

WHEREAS, a variance is being required from the Suffolk County Department of Health Services Board of Review in connection with an application as described in a Report of Findings and Recommendations regarding the applicant, Bali, Inc., File No. S02-05-0027; and

WHEREAS, the Board of Review, under Section 760-607 (A)(1) and (B)(1) of the SUFFOLK COUNTY SANITARY CODE, granted the request for a variance on February 7, 2006, subject to the applicant's obtaining and transferring to the County of Suffolk development rights or credits for the excess density required and a transfer of property with covenants to the County of Suffolk to sterilize the transferred property so as to protect surface and groundwater quality by establishing limits on population density; and

WHEREAS, the Board of Review specifically imposed as a condition of its variance approval that the owner place a covenant upon the receiving parcel(s), known as S.C.T.M. No. District 0200, Section 967.00 Block 06.00 Lot 013.000 and District 0200, Section 967.00 Block 07.00 Lot 001.000, more particularly described on Schedule "A" attached hereto and made a part hereof, and on the transfer parcel(s) known as S.C.T.M. No. District 0200 Section 980.70 Block 07.00 Lot 019.000, District 0200 Section 983.50 Block 01.00 Lot 018.000, District 0200 Section 983.50 Block 01.00 Lot 020.000, and District 0200 Section 983.50 Block 01.00 Lot 066.000, more particularly described on Schedule "B" attached hereto and made a part hereof and whereby the parcel(s) described in Schedule "B" shall be sterilized by the property owner and transferred to the County of Suffolk for open space purposes in exchange for the transfer of its Development Density Rights to the property described in Schedule "A"; and

WHEREAS, the Suffolk County Department of Planning has recommended this proposed transfer in a Memorandum to the County Department of Health Services, Division of Environmental Quality, dated January 18, 2006, as provided in Schedule "C"; now, therefore be it

1st RESOLVED, that the County of Suffolk hereby accepts the donation and transfer of the property described in Schedule "B", subject to it being sterilized by the owner for open space purposes to protect the aquifer and water supply, which property shall be kept in its natural state in perpetuity, except for property maintenance activities as may be appropriate, to effectuate the declaration of covenants and restrictions imposed by the applicant, without impairing the essential nature and open character of the premises and subject to the use of the open space area for passive recreational purposes; and be it further

2nd RESOLVED, that the Suffolk County Division of Real Property Acquisition and Management in the Department of Environment and Energy is hereby authorized, empowered, and directed, pursuant to Section C42-2(3)(d) of the Suffolk County Charter, to execute such documents as are necessary to acquire said parcel(s) as described in Schedule "B"; and be it further

3rd RESOLVED, that the Assessor of the Town of Brookhaven, and all other assessors having jurisdiction thereof, be and they hereby are directed to mark the assessment rolls of their jurisdiction to show that said property is owned by the County of Suffolk and is exempt from taxation and exempt from special ad valorem levies and special assessments to the extent permitted by law pursuant to Section 406(1) of the NEW YORK REAL PROPERTY TAX LAW; and be it further

4th RESOLVED, that the Suffolk County Division of Real Property Acquisition and Management in the Department of Environment and Energy shall transfer jurisdiction of said land as described in Schedule "B", to the Suffolk County Department of Parks,

Recreation, and Conservation for passive recreational purposes in the Mastic/Shirley Conservation Area (BR 77); and be it further

5th RESOLVED, that this Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this resolution constitutes an unlisted action which will not have a significant effect on the environment for the following reasons:

1. The proposed action will not exceed any of the criteria in Section 617.7(c) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) which sets forth thresholds for determining significant effect on the environment;
2. The property will be open space under the jurisdiction of the Suffolk County Department of Parks, Recreation, and Conservation; and
3. The site will only be used for passive recreational purposes;

and be it further

6th RESOLVED, that a copy of this Resolution shall be filed with the Suffolk County Clerk, the initiating unit of said project, and with CEQ; and be it further

7th RESOLVED, that in accordance with Section 279-5(C)(4) of the SUFFOLK COUNTY CODE, the CEQ is hereby directed to prepare and circulate a SEQRA notice of determination of non-significance in accordance with this Resolution.

DATED: October 17, 2006

EFFECTIVE PURSUANT TO SECTION 2-15(F) OF THE SUFFOLK COUNTY CHARTER,
RETURNED BY THE COUNTY EXECUTIVE UNSIGNED NOVEMBER 2, 2006

Schedule "A"

SCTM No.: District 0200, Section 967.00 Block 06.00 Lot 013.000
District 0200, Section 967.00 Block 07.00 Lot 001.000

Schedule "B"

SCTM No. : . District 0200 Section 980.70 Block 07.00 Lot 019.000
District 0200 Section 983.50 Block 01.00 Lot 018.000
District 0200 Section 983.50 Block 01.00 Lot 020.000
District 0200 Section 983.50 Block 01.00 Lot 066.000

Schedule "C"



Deputy Presiding Officer Viloría-Fisher made motion for the following resolution, seconded by Legislator Losquadro. The resolution was passed 14-0-4-0. Legislators Mystal, Stern, D'Amario and Cooper abstained.

Intro. Res. No. 2137-2006

Laid on Table 9/19/2006

Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 1108 -2006, ACCEPTING A DONATION OF REAL PROPERTY FOR OPEN SPACE PURPOSES - A SCDHS BOARD OF REVIEW TRANSFER OF DEVELOPMENT RIGHTS (FILE NO. S02-04-0059)

WHEREAS, a variance is being required from the Suffolk County Department of Health Services Board of Review in connection with an application as described in a Report of Findings and Recommendations regarding the applicant, S. Spano, File No. S02-04-0059); and

WHEREAS, the Board of Review, under Section 760-607 (A)(1) and (B)(1) of the SUFFOLK COUNTY SANITARY CODE, granted the request for a variance on September 20, 2005 and December 5, 2005, subject to the applicant's obtaining and transferring to the County of Suffolk development rights or credits for the excess density required and a transfer of property with covenants to the County of Suffolk to sterilize the transferred property so as to protect surface and groundwater quality by establishing limits on population density; and

WHEREAS, the Board of Review specifically imposed as a condition of its variance approval that the owner place a covenant upon the receiving parcel(s), known as S.C.T.M. No. District 0200, Section 879.00 Block 03.00 Lot 068.001, more particularly described on Schedule "A" attached hereto and made a part hereof, and on the transfer parcel(s) known as S.C.T.M. No. District 0200 Section 787.00 Block 08.00 Lot 008.000, more particularly described on Schedule "B" attached hereto and made a part hereof and whereby the parcel(s) described in Schedule "B" shall be sterilized by the property owner and transferred to the County of Suffolk for open space purposes in exchange for the transfer of its Development Density Rights to the property described in Schedule "A"; and

WHEREAS, the Suffolk County Department of Planning has recommended this proposed transfer in a Memorandum to the County Department of Health Services, Division of Environmental Quality, dated January 23, 2006, as provided in Schedule "C"; now, therefore be it

1st RESOLVED, that the County of Suffolk hereby accepts the donation and transfer of the property described in Schedule "B", subject to it being sterilized by the owner for open space purposes to protect the aquifer and water supply, which property shall be kept in its natural state in perpetuity, except for property maintenance activities as may be appropriate, to effectuate the declaration of covenants and restrictions imposed by the applicant, without impairing the essential nature and open character of the premises and subject to the use of the open space area for passive recreational purposes; and be it further

2nd RESOLVED, that the Suffolk County Division of Real Property Acquisition and Management in the Department of Environment and Energy is hereby

authorized, empowered, and directed, pursuant to Section C42-2(3)(d) of the Suffolk County Charter, to execute such documents as are necessary to acquire said parcel(s) as described in Schedule "B"; and be it further

3rd RESOLVED, that the Assessor of the Town of Brookhaven, and all other assessors having jurisdiction thereof, be and they hereby are directed to mark the assessment rolls of their jurisdiction to show that said property is owned by the County of Suffolk and is exempt from taxation and exempt from special ad valorem levies and special assessments to the extent permitted by law pursuant to Section 406(1) of the NEW YORK REAL PROPERTY TAX LAW; and be it further

4th RESOLVED, that the Suffolk County Division of Real Property Acquisition and Management in the Department of Environment and Energy shall transfer jurisdiction of said land as described in Schedule "B", to the Suffolk County Department of Parks, Recreation, and Conservation for passive recreational purposes in the Forge River County Park (BR 49); and be it further

5th RESOLVED, that this Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this resolution constitutes an unlisted action which will not have a significant effect on the environment for the following reasons:

1. The proposed action will not exceed any of the criteria in Section 617.7(c) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) which sets forth thresholds for determining significant effect on the environment;
2. The property will be open space under the jurisdiction of the Suffolk County Department of Parks, Recreation, and Conservation; and
3. The site will only be used for passive recreational purposes,

and be it further

6th RESOLVED, that a copy of this Resolution shall be filed with the Suffolk County Clerk, the initiating unit of said project, and with CEQ; and be it further

7th RESOLVED, that in accordance with Section 279-5(C)(4) of the SUFFOLK COUNTY CODE, the CEQ is hereby directed to prepare and circulate a SEQRA notice of determination of non-significance in accordance with this Resolution.

DATED: October 17, 2006

EFFECTIVE PURSUANT TO SECTION 2-15(F) OF THE SUFFOLK COUNTY CHARTER,
RETURNED BY THE COUNTY EXECUTIVE UNSIGNED NOVEMBER 2, 2006

Schedule "A"

SCTM No.: . District 0200, Section 879.00 Block 03.00 Lot 068.001

Schedule "B"

Schedule "C"

Deputy Presiding Officer Viloría-Fisher made motion for the following resolution, seconded by Legislator Losquadro. The resolution was passed 14-0-4-0. Legislators Mystal, Stern, D'Amaro and Cooper abstained.

Intro. Res. No. 2138-2006

Laid on Table 9/19/2006

Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 1109 -2006, ACCEPTING A DONATION OF REAL PROPERTY FOR OPEN SPACE PURPOSES - A SCDHS BOARD OF REVIEW TRANSFER OF DEVELOPMENT RIGHTS (FILE NO. R02-05-0677)

WHEREAS, a variance is being required from the Suffolk County Department of Health Services Board of Review in connection with an application as described in a Report of Findings and Recommendations regarding the applicant, S. Spano, File No. R02-05-0677); and

WHEREAS, the Board of Review, under Section 760-607 (A)(1) and (B)(1) of the SUFFOLK COUNTY SANITARY CODE, granted the request for a variance on February 27, 2006, subject to the applicant's obtaining and transferring to the County of Suffolk development rights or credits for the excess density required and a transfer of property with covenants to the County of Suffolk to sterilize the transferred property so as to protect surface and groundwater quality by establishing limits on population density; and

WHEREAS, the Board of Review specifically imposed as a condition of its variance approval that the owner place a covenant upon the receiving parcel(s), known as S.C.T.M. No. District 0200, Section 159.00 Block 02.00 Lot 018.001, more particularly described on Schedule "A" attached hereto and made a part hereof, and on the transfer parcel(s) known as S.C.T.M. No. District 0200 Section 212.00 Block 03.00 Lot 014.000, more particularly described on Schedule "B" attached hereto and made a part hereof and whereby the parcel(s) described in Schedule "B" shall be sterilized by the property owner and transferred to the County of Suffolk for open space purposes in exchange for the transfer of its Development Density Rights to the property described in Schedule "A"; and

WHEREAS, the Suffolk County Department of Planning has recommended this proposed transfer in a Memorandum to the County Department of Health Services, Division of Environmental Quality, dated January 23, 2006, as provided in Schedule "C"; now, therefore be it

1st RESOLVED, that the County of Suffolk hereby accepts the donation and transfer of the property described in Schedule "B", subject to it being sterilized by the owner for open space purposes to protect the aquifer and water supply, which property shall be kept in its natural state in perpetuity, except for property maintenance activities as may be appropriate, to

effectuate the declaration of covenants and restrictions imposed by the applicant, without impairing the essential nature and open character of the premises and subject to the use of the open space area for passive recreational purposes; and be it further

2nd RESOLVED, that the Suffolk County Division of Real Property Acquisition and Management in the Department of Environment and Energy is hereby authorized, empowered, and directed, pursuant to Section C42-2(3)(d) of the Suffolk County Charter, to execute such documents as are necessary to acquire said parcel(s) as described in Schedule "B"; and be it further

3rd RESOLVED, that the Assessor of the Town of Brookhaven, and all other assessors having jurisdiction thereof, be and they hereby are directed to mark the assessment rolls of their jurisdiction to show that said property is owned by the County of Suffolk and is exempt from taxation and exempt from special ad valorem levies and special assessments to the extent permitted by law pursuant to Section 406(1) of the NEW YORK REAL PROPERTY TAX LAW; and be it further

4th RESOLVED, that the Suffolk County Division of Real Property Acquisition and Management in the Department of Environment and Energy shall transfer jurisdiction of said land as described in Schedule "B", to the Suffolk County Department of Parks, Recreation, and Conservation for passive recreational purposes in the Miller Place Yaphank Road Nature Preserve County Park (BR17); and be it further

5th RESOLVED, that this Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this resolution constitutes an unlisted action which will not have a significant effect on the environment for the following reasons:

1. The proposed action will not exceed any of the criteria in Section 617.7© of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) which sets forth thresholds for determining significant effect on the environment;
2. The property will be open space under the jurisdiction of the Suffolk County Department of Parks, Recreation, and Conservation; and
3. The site will only be used for passive recreational purposes;

and be it further

6th RESOLVED, that a copy of this Resolution shall be filed with the Suffolk County Clerk, the initiating unit of said project, and with CEQ; and be it further

7th RESOLVED, that in accordance with Section 279-5(C)(4) of the SUFFOLK COUNTY CODE, the CEQ is hereby directed to prepare and circulate a SEQRA notice of determination of non-significance in accordance with this Resolution.

DATED: October 17, 2006

EFFECTIVE PURSUANT TO SECTION 2-15(F) OF THE SUFFOLK COUNTY CHARTER,
RETURNED BY THE COUNTY EXECUTIVE UNSIGNED NOVEMBER 2, 2006

Schedule "A"

SCTM No.: District 0200, Section 159.00 Block 02.00 Lot 018.001

Schedule "B"

SCTM No. : District 0200 Section 212.00 Block 03.00 Lot 014.000

Schedule "C"

**Legislator Cooper made motion for the following resolution, seconded by
Legislator Losquadro. The resolution was passed 18-0.**

Intro. Res. No. 2140-2006

Laid on Table 9/19/2006

Introduced by Presiding Officer, on request of the County Executive and Legislator Nowick

**RESOLUTION NO. 1110 -2006, AUTHORIZING
ACQUISITION OF LAND UNDER THE SUFFOLK COUNTY
SAVE OPEN SPACE (SOS), FARMLAND PRESERVATION,
AND HAMLET PARKS FUND –OPEN SPACE COMPONENT –
CARICH PROPERTY – FRESH POND ADDITION (TOWN OF
HUNTINGTON – SCTM NO. 0400-015.00-02.00-039.000)**

WHEREAS, Local Law No. 34-2004, a "Charter Law Adding Article XXXVI to the Suffolk County Charter to Provide a Suffolk County Save Open Space (SOS), Farmland Preservation, and Hamlet Parks Fund and Permitting the Transfer of Development Rights" was approved by the electorate on November 2, 2004; and

WHEREAS, Resolution No. 1361-2004 appropriated \$30 million for acquisitions under the Open Space component of the Suffolk County Save Open Space (SOS), Farmland Preservation, and Hamlet Parks Fund; and

WHEREAS, Resolution No. 621-2004, authorized planning steps for the acquisition of the subject property; and

WHEREAS, the Environmental Trust Review Board has reviewed the appraisals and the report of the Internal Appraisal Review Board and has approved the purchase price and authorized the Director of the Division of Real Property Acquisition and Management to negotiate the acquisition; now, therefore be it

1ST RESOLVED, that the County of Suffolk hereby approves the acquisition of the subject property set forth below under the Suffolk County Save Open Space (SOS), Farmland Preservation, and Hamlet Parks Fund, Open Space component, for a total purchase price of Six Hundred Thousand Dollars (\$600,000.00±), subject to a final survey; and hereby approves additional expenses, which shall include but not be limited to the cost of surveys, appraisals, environmental audits, title reports and insurance, and tax adjustments:

	SUFFOLK COUNTY		REPUTED OWNER
<u>PARCEL:</u>	<u>TAX MAP NUMBER:</u>	<u>ACRES:</u>	<u>AND ADDRESS:</u>
No. 1	District 0400	1.05±	Marie Carich
	Section 015.00		2371 County Road 26
	Block 02.00		Climax, NY 12042
	Lot 039.000		

and be it further

2nd RESOLVED, that the Director of the Division of Real Property Acquisition and Management and/or her designee, is hereby authorized, empowered, and directed, pursuant to Section C42-2(C)(3)(d) of the SUFFOLK COUNTY CHARTER, to acquire the parcel(s) listed herein above from the reputed owner, the funding for which shall be provided under the Suffolk County Save Open Space, Farmland Preservation, and Hamlet Parks Fund, Section C36-1(A)(1), of the SUFFOLK COUNTY CHARTER for the purchase price of Six Hundred Thousand Dollars (\$600,000.00±), subject to a final survey; and be it further

3rd RESOLVED, that the County Comptroller and County Treasurer are hereby authorized to reserve and to pay \$600,000.00±, subject to a final survey, from previously appropriated funds in Capital Project 525-CAP-8705.210, the Suffolk County Save Open Space (SOS), Farmland Preservation, and Hamlet Parks Fund, Open Space component, Section C36-1(A)(1), for this acquisition; and be it further

4th RESOLVED, that the Director of the Division of Real Property Acquisition and Management and/or her designee; the County Planning Department; and the County Department of Public Works are hereby authorized, empowered, and directed to take such actions and to pay such additional expenses as may be necessary and appropriate to consummate such acquisition, including, but not limited to, securing appraisals, title insurance and title reports, obtaining surveys, engineering reports and environmental audits, making tax adjustments and executing such other documents as are required to acquire such County interest in said lands; and be it further

5th RESOLVED, that this property is not to be developed and is being purchased through the Save Open Space Bond Act in accordance with Suffolk County Resolution No. 840-2004, One (1) Workforce Housing Development Rights shall be removed and placed in the Suffolk County Open Space Bond Act Workforce Housing Transfer of Development Rights Program registry pursuant to the Workforce Housing Development Rights Program as developed by the Department of Planning and approved by the Suffolk County Executive and the Suffolk County Legislature; and be it further

6th RESOLVED, that the subject parcel(s) shall be transferred to the Department of Parks, Recreation and Conservation for passive recreational use; and be it further

7th RESOLVED, that the above activity is an unlisted action pursuant to the provisions of Title 6 NYCRR, Part 617; and be it further

8th RESOLVED, that the project will not have a significant effect on the environment for the following reasons:

- 1.) the proposed action will not exceed any of the criteria in 6 NYCRR, Section 617.7, which sets forth thresholds for determining significant effect on the environment, as demonstrated in the Environmental Assessment Form; and
- 2.) the proposed use of the subject parcel(s) will be passive recreation; and
- 3.) if not acquired, the property will most likely be developed for residential purposes, incurring far greater environmental impact than the proposed acquisition and preservation of the site would have; and, be it further

9th RESOLVED, in accordance with Section 279-5(C)(4) of the SUFFOLK COUNTY CODE, the Suffolk County Council on Environmental Quality is hereby directed to prepare and circulate any appropriate notices or determinations in accordance with this resolution.

DATED: October 17, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: November 2, 2006

Legislator Cooper made motion for the following resolution, seconded by Legislator Stern. The resolution was passed 18-0.

Intro. Res. No. 2141-2006

Laid on Table 9/19/2006

Introduced by Presiding Officer, on request of the County Executive and Legislator Stern

RESOLUTION NO. 1111 -2006, AUTHORIZING

**ACQUISITION OF LAND UNDER THE SUFFOLK COUNTY
MULTIFACETED LAND PRESERVATION PROGRAM –
OPEN SPACE PRESERVATION PROGRAM - FOR THE
COOPER PROPERTY- EMERALD ESTATES (TOWN
OF HUNTINGTON – SCTM NO. 0400-168.00-02.00-
114.000)**

WHEREAS, the 5th RESOLVED clause of Resolution No. 459-2001 established the Suffolk County Multifaceted Land Preservation Program for acquisitions to be consummated pursuant to Resolution No. 751-1997; pursuant to the traditional Suffolk County Open Space Program; pursuant to Chapter 8 of the SUFFOLK COUNTY CODE; for parkland purposes; for environmentally sensitive land acquisition; for watershed and/or estuary protection; for drinking water protection purposes; or in accordance with the programmatic criteria set forth in Resolution No. 602-2001 designated as the Suffolk County Active Parklands Stage II Acquisition Program; and

WHEREAS, Resolution No. 1121-2005 appropriated \$12,051,750.00 for acquisitions under the Suffolk County Multifaceted Land Preservation Program; and

WHEREAS, Resolution No. 315-2004 authorized planning steps for acquisition of the subject property; and

WHEREAS, the Environmental Trust Review Board has reviewed the appraisals and the report of the Internal Appraisal Review Board and has approved the purchase price and authorized the Director of the Division of Real Property Acquisition and Management to negotiate the acquisition; now, therefore be it

1st RESOLVED, that the County of Suffolk hereby approves the acquisition of the subject property set forth below under the Suffolk County Multifaceted Land Preservation Program pursuant to the traditional Suffolk County Open Space Preservation Program (1986 et seq), for a total purchase price of Two Hundred Eighty Five Thousand Dollars (\$285,000.00 ±), subject to a final survey; and hereby authorizes additional expenses, which shall include but not be limited to the cost of surveys, appraisals, environmental audits, title reports and insurance, and tax adjustments:

<u>PARCEL:</u>	<u>SUFFOLK COUNTY TAX MAP NUMBER:</u>		<u>REPUTED OWNER ACRES: AND ADDRESS:</u>
No. 1	District 0400	1.0±	Paul Cooper
	Section 168.00		211 Cuba Hill Road
	Block 02.00		Huntington, NY 11743
	Lot 114.000		

and be it further

2nd RESOLVED, that the Director of the Division of Real Property Acquisition and Management and/or her designee, is hereby authorized, empowered, and directed, pursuant to Section C42-2(C)(3)(d) of the SUFFOLK COUNTY CHARTER, to acquire the parcel(s) listed herein above from the reputed owner, the funding for which shall be provided under the Suffolk County Multifaceted Land Preservation Program, for a purchase price of Two Hundred Eighty Five Thousand Dollars (\$285,000.00 ±), subject to a final survey; and be it further

3rd RESOLVED, that the County Comptroller and County Treasurer are hereby authorized to reserve and to pay \$285,000.00±, subject to a final survey, from previously appropriated

funds in Capital Project 525-CAP-7177.227, Suffolk County Multifaceted Land Preservation Program, for this acquisition; and be it further

4th RESOLVED, that the Director of the Division of Real Property Acquisition and Management and/or her designee; the County Planning Department; and the County Department of Public Works are hereby authorized, empowered, and directed to take such other actions and to pay such additional expenses as may be necessary and appropriate to consummate such acquisition, including, but not limited to, securing appraisals, title insurance and title reports, obtaining surveys, engineering reports, and environmental audits, making tax adjustments, and executing such other documents as are required to acquire such County interest in said lands; and be it further

5th RESOLVED, that the subject parcel(s) shall be transferred to the Department of Parks, Recreation and Conservation for passive recreational use; and be it further

6th RESOLVED, that the above activity is an unlisted action pursuant to the provisions of Title 6 NYCRR, Part 617; and be it further

7th RESOLVED, that the project will not have a significant effect on the environment for the following reasons:

- 1.) the proposed action will not exceed any of the criteria in 6 NYCRR, Section 617.7, which sets forth thresholds for determining significant effect on the environment, as demonstrated in the Environmental Assessment Form; and
- 2.) the proposed use of the subject parcel(s) will be passive recreation; and
- 3.) if not acquired, the property will most likely be developed for residential purposes, incurring far greater environmental impact than the proposed acquisition and preservation of the site would have; and be it further

8th RESOLVED, that in accordance with Section 279-5(C)(4) of the SUFFOLK COUNTY CODE, the Suffolk County Council on Environmental Quality is hereby directed to prepare and circulate any appropriate notices or determinations in accordance with this resolution.

DATED: October 17, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: November 2, 2006

**Legislator Cooper made motion for the following resolution, seconded by
Legislator Stern. The resolution was passed 18-0.**

Intro. Res. No. 2142-2006

Laid on Table 9/19/2006

Introduced by Presiding Officer, on request of the County Executive and Legislator Stern

**RESOLUTION NO. 1112 -2006, AUTHORIZING
ACQUISITION OF LAND UNDER THE SUFFOLK COUNTY
MULTIFACETED LAND PRESERVATION PROGRAM –
OPEN SPACE PRESERVATION PROGRAM - FOR THE
KUMMER PROPERTY –EMERALD ESTATES (TOWN
OF HUNTINGTON – SCTM NO. 0400-168.00-02.00-
083.000 p/o)**

WHEREAS, the 5th RESOLVED clause of Resolution No. 459-2001 established the Suffolk County Multifaceted Land Preservation Program for acquisitions to be consummated pursuant to Resolution No. 751-1997; pursuant to the traditional Suffolk County Open Space Program; pursuant to Chapter 8 of the SUFFOLK COUNTY CODE; for parkland purposes; for environmentally sensitive land acquisition; for watershed and/or estuary protection; for drinking water protection purposes; or in accordance with the programmatic criteria set forth in Resolution No. 602-2001 designated as the Suffolk County Active Parklands Stage II Acquisition Program; and

WHEREAS, Resolution No. 1121-2005 appropriated \$12,051,750.00 for acquisitions under the Suffolk County Multifaceted Land Preservation Program; and

WHEREAS, Resolution No. 315-2004 authorized planning steps for acquisition of the subject property; and

WHEREAS, the Environmental Trust Review Board has reviewed the appraisals and the report of the Internal Appraisal Review Board and has approved the purchase price and authorized the Director of the Division of Real Property Acquisition and Management to negotiate the acquisition; now, therefore be it

1st RESOLVED, that the County of Suffolk hereby approves the acquisition of the subject property set forth below under the Suffolk County Multifaceted Land Preservation Program pursuant to the traditional Suffolk County Open Space Preservation Program (1986 et seq), for a total purchase price of Three Hundred Thirty Thousand Dollars (\$330,000.00±), subject to a final survey; and hereby authorizes additional expenses, which shall include but not be limited to the cost of surveys, appraisals, environmental audits, title reports and insurance, and tax adjustments:

<u>PARCEL:</u>	<u>SUFFOLK COUNTY TAX MAP NUMBER:</u>		<u>REPUTED OWNER ACRES: AND ADDRESS:</u>
No. 1	District 0400	1.25±	Daniel Kummer
	Section 168.00		996 West Jericho Tpke.
	Block 02.00		Smithtown, NY 11788
	Lot 083.000 p/o		

and be it further

2nd RESOLVED, that the Director of the Division of Real Property Acquisition and Management and/or her designee, is hereby authorized, empowered, and directed, pursuant to Section C42-2(C)(3)(d) of the SUFFOLK COUNTY CHARTER, to acquire the parcel(s) listed herein above from the reputed owner, the funding for which shall be provided under the Suffolk County Multifaceted Land Preservation Program, for a purchase price of Three Hundred Thirty Thousand Dollars (\$330,000.00±), subject to a final survey; and be it further

3rd RESOLVED, that the County Comptroller and County Treasurer are hereby authorized to reserve and to pay \$330,000.00±, subject to a final survey, from previously appropriated funds in Capital Project 525-CAP-7177.227, Suffolk County Multifaceted Land Preservation Program, for this acquisition; and be it further

4th RESOLVED, that the Director of the Division of Real Property Acquisition and Management and/or her designee; the County Planning Department; and the County Department of Public Works are hereby authorized, empowered, and directed to take such other actions and to pay such additional expenses as may be necessary and appropriate to consummate such acquisition, including, but not limited to, securing appraisals, title insurance and title reports, obtaining surveys, engineering reports, and environmental audits, making tax adjustments, and executing such other documents as are required to acquire such County interest in said lands; and be it further

5th RESOLVED, that the subject parcel(s) shall be transferred to the Department of Parks, Recreation and Conservation for passive recreational use; and be it further

6th RESOLVED, that the above activity is an unlisted action pursuant to the provisions of Title 6 NYCRR, Part 617; and be it further

7th RESOLVED, that the project will not have a significant effect on the environment for the following reasons:

- 1.) the proposed action will not exceed any of the criteria in 6 NYCRR, Section 617.7, which sets forth thresholds for determining significant effect on the environment, as demonstrated in the Environmental Assessment Form; and
- 2.) the proposed use of the subject parcel(s) will be passive recreation; and

- 3.) if not acquired, the property will most likely be developed for residential purposes, incurring far greater environmental impact than the proposed acquisition and preservation of the site would have; and be it further

8th RESOLVED, that in accordance with Section 279-5(C)(4) of the SUFFOLK COUNTY CODE, the Suffolk County Council on Environmental Quality is hereby directed to prepare and circulate any appropriate notices or determinations in accordance with this resolution.

DATED: October 17, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: November 2, 2006

Legislator Browning made motion for the following resolution, seconded by Legislator Losquadro. The resolution was passed 18-0.

Intro. Res. No. 2143-2006

Laid on Table 9/19/2006

Introduced by Presiding Officer, on request of the County Executive and Legislator Browning

RESOLUTION NO. 1113 -2006, AUTHORIZING ACQUISITION OF LAND UNDER THE SUFFOLK COUNTY SAVE OPEN SPACE (SOS), FARMLAND PRESERVATION, AND HAMLET PARKS FUND –OPEN SPACE COMPONENT – ESTATE OF PLUMMER PROPERTY – MASTIC/SHIRLEY CONSERVATION AREA (TOWN OF BROOKHAVEN – SCTM NO. 0200-980.70-06.00-038.000)

WHEREAS, Local Law No. 34-2004, a “Charter Law Adding Article XXXVI to the Suffolk County Charter to Provide a Suffolk County Save Open Space (SOS), Farmland Preservation, and Hamlet Parks Fund and Permitting the Transfer of Development Rights” was approved by the electorate on November 2, 2004; and

WHEREAS, Resolution No. 1361-2004 appropriated \$30 million for acquisitions under the Open Space component of the Suffolk County Save Open Space (SOS), Farmland Preservation, and Hamlet Parks Fund; and

WHEREAS, Resolution No. 1133-2003, authorized planning steps for the acquisition of the subject property; and

WHEREAS, the Environmental Trust Review Board has reviewed the appraisals and the report of the Internal Appraisal Review Board and has approved the purchase price and authorized the Director of the Division of Real Property Acquisition and Management to negotiate the acquisition; now, therefore be it

1ST RESOLVED, that the County of Suffolk hereby approves the acquisition of the subject property set forth below under the Suffolk County Save Open Space (SOS), Farmland Preservation, and Hamlet Parks Fund, Open Space component, for a total purchase price of Thirty Four Thousand Dollars (\$34,000.00 \pm), subject to a final survey; and hereby approves additional expenses, which shall include but not be limited to the cost of surveys, appraisals, environmental audits, title reports and insurance, and tax adjustments:

<u>PARCEL:</u>	<u>SUFFOLK COUNTY TAX MAP NUMBER:</u>	<u>ACRES:</u>	<u>REPUTED OWNER AND ADDRESS:</u>
No. 1	District 0200 Section 980.70 Block 06.00 Lot 038.000	0.46 \pm acres	Janice Maxine Nesbitt Executrix of the Estate of John Plummer 8805 Meadow Heights Road Randallstown, MD 21133

and be it further

2nd RESOLVED, that the Director of the Division of Real Property Acquisition and Management and/or her designee, is hereby authorized, empowered, and directed, pursuant to Section C42-2(C)(3)(d) of the SUFFOLK COUNTY CHARTER, to acquire the parcel(s) listed herein above from the reputed owner, the funding for which shall be provided under the Suffolk County Save Open Space, Farmland Preservation, and Hamlet Parks Fund, Section C36-1(A)(1), of the SUFFOLK COUNTY CHARTER for the purchase price of Thirty Four Thousand Dollars (\$34,000.00 \pm), subject to a final survey; and be it further

3rd RESOLVED, that the County Comptroller and County Treasurer are hereby authorized to reserve and to pay \$34,000.00 \pm , subject to a final survey, from previously appropriated funds in Capital Project 8705.210, the Suffolk County Save Open Space (SOS), Farmland Preservation, and Hamlet Parks Fund, Open Space component, Section C36-1(A)(1), for this acquisition; and be it further

4th RESOLVED, that the Director of the Division of Real Property Acquisition and Management and/or her designee; the County Planning Department; and the County Department of

Public Works are hereby authorized, empowered, and directed to take such actions and to pay such additional expenses as may be necessary and appropriate to consummate such acquisition, including, but not limited to, securing appraisals, title insurance and title reports, obtaining surveys, engineering reports and environmental audits, making tax adjustments and executing such other documents as are required to acquire such County interest in said lands; and be it further

5th RESOLVED, that this property is not to be developed and is being purchased through the Save Open Space Bond Act in accordance with Suffolk County Resolution No. 840-2004, Zero (0) Workforce Housing Development Rights shall be removed and placed in the Suffolk County Open Space Bond Act Workforce Housing Transfer of Development Rights Program registry pursuant to the Workforce Housing Development Rights Program as developed by the Department of Planning and approved by the Suffolk County Executive and the Suffolk County Legislature; and be it further

6th RESOLVED, that the subject parcel(s) shall be transferred to the Department of Parks, Recreation and Conservation for passive recreational use; and, be it further

7th RESOLVED, that the above activity is an unlisted action pursuant to the provisions of Title 6 NYCRR, Part 617; and be it further

8th RESOLVED, that the project will not have a significant effect on the environment for the following reasons:

- 1.) the proposed action will not exceed any of the criteria in 6 NYCRR, Section 617.7, which sets forth thresholds for determining significant effect on the environment, as demonstrated in the Environmental Assessment Form; and
- 2.) the proposed use of the subject parcel (s) will be passive recreation; and
- 3.) if not acquired, the property will most likely be developed for residential purposes, incurring far greater environmental impact than the proposed acquisition and preservation of the site would have; and, be it further

9th RESOLVED, in accordance with Section 279-5(C)(4) of the SUFFOLK COUNTY CODE, the Suffolk County Council on Environmental Quality is hereby directed to prepare and circulate any appropriate notices or determinations in accordance with this resolution.

DATED: October 17, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: November 2, 2006

**Legislator Nowick made motion for the following resolution, seconded by
Legislator Kennedy. The resolution was passed 18-0.**

Intro. Res. No. 2144-2006

Laid on Table 9/19/2006

Introduced by Presiding Officer, on request of the County Executive and Legislator Nowick

**RESOLUTION NO. 1114 -2006 AUTHORIZING ACQUISITION
OF LAND UNDER THE OLD SUFFOLK COUNTY DRINKING
WATER PROTECTION PROGRAM [C12-5(E)(1)(a)] – KINGS
PARK BOAT CLUB, INC. PROPERTY – SAN REMO
FLOODPLAIN (TOWN OF SMITHTOWN - SCTM NO. 0800-
019.00-02.00-016.000)**

WHEREAS, Article XII of the SUFFOLK COUNTY CHARTER established the Old Suffolk County Drinking Water Protection Program, as amended and effective as of November 30, 2000, the first priority of which being the acquisition of qualified lands to be funded by revenues generated by the quarter percent (1/4%) sales and compensating use tax; and

WHEREAS, in compliance with Sections C12-3(B) and (C) of the SUFFOLK COUNTY CHARTER, as amended and effective as of November 30, 2000, prior to the Division Director of the Division of Real Property Acquisition and Management entering into any negotiations for the acquisition of, and consummation of acquisition of any such parcel, the Board of Trustees of the Department of Parks, Recreation and Conservation shall review and recommend its acquisition; and

WHEREAS, adequate funding is provided for, under the Old Suffolk County Drinking Water Protection Program, pursuant to Section C12-5(E)(1)(a) of Article XII of the SUFFOLK COUNTY CHARTER, as amended and effective as of November 30, 2000, for the acquisition of such land; and

WHEREAS, Resolution No. 621-2004, authorized planning steps for the acquisition of the subject property; and

WHEREAS, the Environmental Trust Review Board has reviewed the appraisals and the report of the Internal Appraisal Review Board and had approved the purchase price and authorized the Director of the Division of Real Property Acquisition and Management to negotiate the acquisition; now, therefore be it

1st RESOLVED, that the County of Suffolk hereby approves the acquisition of the subject property set forth below under Article XII of the SUFFOLK COUNTY CHARTER, Section C12-5(E)(1)(a), as amended and effective as of November 30, 2000, for a total purchase price of Two Hundred Thirty Thousand Dollars (\$230,000.00±), subject to a final survey; and hereby authorizes additional expenses, which shall include but not be limited to the cost of surveys, appraisals, environmental audits, title reports and insurance, and tax adjustments:

<u>PARCEL:</u>	<u>SUFFOLK COUNTY TAX MAP NUMBER:</u>	<u>ACRES:</u>	<u>REPUTED OWNER AND ADDRESS:</u>
No. 1	District 0800 Section 019.00 Block 02.00 Lot 016.000	0.20± acres	Kings Park Boat Club, Inc. Richard H. File-Commador P.O. Box 108 Kings Park, NY 11754

and be it further

2nd RESOLVED, that the Director of the Division of Real Property Acquisition and Management and/or her designee, is hereby authorized, empowered, and directed, pursuant to Section C42-2(C)(3)(d) of the SUFFOLK COUNTY CHARTER, to acquire the parcel(s) listed herein above from the reputed owner, the funding for which shall be provided under the Old Suffolk County Drinking Water Protection Program, Section C12-5(E)(1)(a) of the SUFFOLK COUNTY CHARTER, as amended and effective as of November 30, 2000, for a purchase price of Two Hundred Thirty Thousand Dollars (\$230,000.00±), subject to a final survey; and be it further

3rd RESOLVED, that the County Comptroller and County Treasurer are hereby authorized to reserve and to pay \$230,000.00±, subject to a final survey, from previously appropriated funds in MY-176-LAW-GEA2 under the Old Drinking Water Protection Program, Section C12-5(E)(1)(a) of the SUFFOLK COUNTY CHARTER, as amended and effective as of November 30, 2000, for this acquisition; and be it further

4th RESOLVED, that the Director of the Division of Real Property Acquisition and Management and/or her designee; the County Planning Department; and the County Department of Public Works are hereby authorized, empowered, and directed to take such actions and to pay such additional expenses as may be necessary and appropriate to consummate such acquisition, including, but not limited to, securing appraisals, title insurance and title reports, obtaining surveys, engineering reports and environmental audits, making tax adjustments and executing such other documents as are required to acquire such County interest in said lands; and be it further

5th RESOLVED, that the subject parcel(s) shall be transferred to the Department of Parks, Recreation and Conservation for passive recreation use; and be it further

6th RESOLVED, that the above activity is an unlisted action pursuant to the provisions of Title 6 NYCRR, Part 617; and be it further

7th RESOLVED, that the project will not have a significant effect on the environment for the following reasons:

- 1.) the proposed action will not exceed any of the criteria in 6 NYCRR, Section 617.7, which sets forth thresholds for determining significant effect on the environment, as demonstrated in the Environmental Assessment Form; and
- 2.) the proposed use of the subject parcel(s) will be passive recreation use; and
- 3.) if not acquired, the property will most likely be developed for residential purposes, incurring far greater environmental impact than the proposed acquisition and preservation of the site would have; and be it further

8th RESOLVED, in accordance with Section 279-5(C)(4) of the SUFFOLK COUNTY CODE, the Suffolk County Council on Environmental Quality is hereby directed to prepare and circulate any appropriate notices or determinations in accordance with this resolution.

DATED: October 17, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: November 2, 2006

Legislator Browning made motion for the following resolution, seconded by Legislator Losquadro. The resolution was passed 18-0.

Intro. Res. No. 2145-2006

Laid on Table 9/19/2006

Introduced by Presiding Officer, on request of the County Executive and Legislator Browning

RESOLUTION NO. 1115 -2006, AUTHORIZING ACQUISITION OF LAND UNDER THE SUFFOLK COUNTY OPEN SPACE PRESERVATION PROGRAM – ESTATE OF

DERENZIS PROPERTY – FORGE RIVER WATERSHED (TOWN OF BROOKHAVEN - SCTM NO. 0200-750.00-06.00-024.000)

WHEREAS, Resolution No. 762-1986 established a Capital Budget and Program for the acquisition of land designated as the Open Space Preservation Program and appropriated Sixty Million Dollars (\$60,000,000.00) in connection therewith; and

WHEREAS, subsequent resolutions have been adopted to increase funding for the Open Space Preservation Program; and

WHEREAS, any of these proposed acquisitions shall be consummated in accordance with and subject to the provisions of Resolution No. 762-1986 establishing and outlining the role of the Board of Trustees of the Department of Parks, Recreation and Conservation in connection with such Open Space acquisitions; and

WHEREAS, Resolution No. 621-2004 authorized planning steps for acquisition of the subject property; and

WHEREAS, the Environmental Trust Review Board has reviewed the appraisals and the report of the Internal Appraisal Review Board and has approved the purchase price and authorized the Director of the Division of Real Property Acquisition and Management to negotiate the acquisition; now, therefore be it

1ST RESOLVED, that the County of Suffolk hereby approves the acquisition of the subject property set forth below for acquisition under the Suffolk County Open Space Preservation Program for a total purchase price of Sixteen Thousand Dollars (\$16,000.00+/-), subject to a final survey; and hereby authorizes additional expenses, which shall include but not be limited to the cost of surveys, appraisals, environmental audits, title report and insurance, and tax adjustments:

<u>PARCEL:</u>	<u>SUFFOLK COUNTY TAX MAP NUMBER:</u>	<u>ACRES:</u>	<u>REPUTED OWNER AND ADDRESS:</u>
No. 1	District 0200 Section 750.00 Block 06.00 Lot 024.000	0.092± acres	Estate of William A. DeRenzis Joseph DeRenzis, Executor 10234 East Copper Drive Chandler, AZ 85248

and be it further

2nd RESOLVED, that the Director of the Division of Real Property Acquisition and Management and/or her designee, is hereby authorized, empowered, and directed, pursuant to Section C42-2(C)(3)(d) of the SUFFOLK COUNTY CHARTER, to acquire the parcel(s) listed herein above from the reputed owner, the funding for which shall be provided under the Suffolk County Open Space Preservation Program, for a purchase price of Sixteen Thousand Dollars (\$16,000.00±), subject to a final survey; and be it further

3rd RESOLVED, that the County Comptroller and County Treasurer are hereby authorized to reserve and to pay \$16,000.00±, subject to a final survey, from previously appropriated funds in Capital Project 525-CAP-7144.213, Suffolk County Open Space Preservation Program, for this acquisition; and be it further

4th RESOLVED, that the Director of the Division of Real Property Acquisition and Management and/or her designee; the County Planning Department; and the County Department of Public Works are hereby authorized, empowered, and directed to take such other actions and to pay such additional expenses as may be necessary and appropriate to consummate such acquisition, including, but not limited to, securing appraisals, title insurance and title reports, obtaining surveys, engineering reports, and environmental audits, making tax adjustments, and executing such other documents as are required to acquire such County interest in said lands; and be it further

5th RESOLVED, that the subject parcel(s) shall be transferred to the Department of Parks, Recreation and Conservation for passive recreational use; and be it further

6th RESOLVED, that the above activity is an unlisted action pursuant to the provisions of Title 6 NYCRR, Part 617; and be it further

7th RESOLVED, that the project will not have a significant effect on the environment for the following reasons:

- 1.) the proposed action will not exceed any of the criteria in 6 NYCRR, Section 617.7, which sets forth thresholds for determining significant effect on the environment, as demonstrated in the Environmental Assessment Form; and
- 2.) the proposed use of the subject parcel(s) will be passive recreation; and
- 3.) if not acquired, the property will most likely be developed for residential purposes, incurring far greater environmental impact than the proposed acquisition and preservation of the site would have; and, be it further

8th RESOLVED, that in accordance with Section 279(C)(4) of the SUFFOLK COUNTY CODE, the Suffolk County Council on Environmental Quality is hereby directed to prepare and circulate any appropriate notices or determinations in accordance with this resolution.

DATED: October 17, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: November 2, 2006

Legislator Eddington made motion for the following resolution, seconded by Legislator Losquadro. The resolution was passed 18-0.

Intro. Res. No. 2146-2006

Laid on Table 9/19/2006

Introduced by Presiding Officer, on request of the County Executive and Legislator Eddington

RESOLUTION NO. 1116 -2006, AUTHORIZING ACQUISITION OF LAND UNDER THE SUFFOLK COUNTY SAVE OPEN SPACE (SOS), FARMLAND PRESERVATION, AND HAMLET PARKS FUND –OPEN SPACE COMPONENT – IRWIN PROPERTY – PATCHOGUE RIVER WETLANDS ADDITION (TOWN OF BROOKHAVEN – SCTM NO. 0200-865.00-03.00-054.000)

WHEREAS, Local Law No. 34-2004, a “Charter Law Adding Article XXXVI to the Suffolk County Charter to Provide a Suffolk County Save Open Space (SOS), Farmland Preservation, and Hamlet Parks Fund and Permitting the Transfer of Development Rights” was approved by the electorate on November 2, 2004; and

WHEREAS, Resolution No. 1361-2004 appropriated \$30 million for acquisitions under the Open Space component of the Suffolk County Save Open Space (SOS), Farmland Preservation, and Hamlet Parks Fund; and

WHEREAS, Resolution No. 877-2005, authorized planning steps for the acquisition of the subject property; and

WHEREAS, the Environmental Trust Review Board has reviewed the appraisals and the report of the Internal Appraisal Review Board and has approved the purchase price and authorized the Director of the Division of Real Property Acquisition and Management to negotiate the acquisition; now, therefore be it

1ST RESOLVED, that the County of Suffolk hereby approves the acquisition of the subject property set forth below under the Suffolk County Save Open Space (SOS), Farmland Preservation, and Hamlet Parks Fund, Open Space component, for a total purchase price of Thirty Thousand Dollars (\$30,000.00±), subject to a final survey; and hereby approves additional expenses, which shall include but not be limited to the cost of surveys, appraisals, environmental audits, title reports and insurance, and tax adjustments:

<u>PARCEL:</u>	<u>SUFFOLK COUNTY TAX MAP NUMBER:</u>	<u>ACRES:</u>	<u>REPUTED OWNER AND ADDRESS:</u>
No. 1	District 0200 Section 865.00 Block 03.00 Lot 054.000	0.14± acres	Brian A. Irwin & Maria Laucella Irwin 2560 Piney Bark Drive Virginia Beach, VA 23456

and be it further

2nd RESOLVED, that the Director of the Division of Real Property Acquisition and Management and/or her designee, is hereby authorized, empowered, and directed, pursuant to Section C42-2(C)(3)(d) of the SUFFOLK COUNTY CHARTER, to acquire the parcel(s) listed herein above from the reputed owner, the funding for which shall be provided under the Suffolk County Save Open Space, Farmland Preservation, and Hamlet Parks Fund, Section C36-1(A)(1), of the SUFFOLK COUNTY CHARTER for the purchase price of Thirty Thousand Dollars (\$30,000.00±), subject to a final survey; and be it further

3rd RESOLVED, that the County Comptroller and County Treasurer are hereby authorized to reserve and to pay \$30,000.00±, subject to a final survey, from previously appropriated funds in Capital Project 525-CAP-8705.210, the Suffolk County Save Open Space

(SOS), Farmland Preservation, and Hamlet Parks Fund, Open Space component, Section C36-1(A)(1), for this acquisition; and be it further

4th RESOLVED, that the Director of the Division of Real Property Acquisition and Management and/or her designee; the County Planning Department; and the County Department of Public Works are hereby authorized, empowered, and directed to take such actions and to pay such additional expenses as may be necessary and appropriate to consummate such acquisition, including, but not limited to, securing appraisals, title insurance and title reports, obtaining surveys, engineering reports and environmental audits, making tax adjustments and executing such other documents as are required to acquire such County interest in said lands; and be it further

5th RESOLVED, that this property is not to be developed and is being purchased through the Save Open Space Bond Act in accordance with Suffolk County Resolution No. 840-2004, Zero (0) Workforce Housing Development Rights shall be removed and placed in the Suffolk County Open Space Bond Act Workforce Housing Transfer of Development Rights Program registry pursuant to the Workforce Housing Development Rights Program as developed by the Department of Planning and approved by the Suffolk County Executive and the Suffolk County Legislature; and be it further

6th RESOLVED, that the subject parcel(s) shall be transferred to the Department of Parks, Recreation and Conservation for passive recreational use; and be it further

7th RESOLVED, that the above activity is an unlisted action pursuant to the provisions of Title 6 NYCRR, Part 617; and be it further

8th RESOLVED, that the project will not have a significant effect on the environment for the following reasons:

- 1.) the proposed action will not exceed any of the criteria in 6 NYCRR, Section 617.7, which sets forth thresholds for determining significant effect on the environment, as demonstrated in the Environmental Assessment Form; and
- 2.) the proposed use of the subject parcel(s) will be passive recreation; and

3.) if not acquired, the property will most likely be developed for residential purposes, incurring far greater environmental impact than the proposed acquisition and preservation of the site would have; and be it further

9th RESOLVED, in accordance with Section 279-5(C)(4) of the SUFFOLK COUNTY CODE, the Suffolk County Council on Environmental Quality is hereby directed to prepare and circulate any appropriate notices or determinations in accordance with this resolution.

DATED: October 17, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: October 31, 2006

Legislator Romaine made motion for the following resolution, seconded by Deputy Presiding Officer Vilorina-Fisher. The resolution was passed 18-0.

Intro. Res. No. 2147-2006 Laid on Table 9/19/2006
Introduced by Presiding Officer, on request of the County Executive and Legislator Romaine

RESOLUTION NO. 1117 -2006, AUTHORIZING ACQUISITION OF LAND UNDER THE SUFFOLK COUNTY SAVE OPEN SPACE (SOS), FARMLAND PRESERVATION, AND HAMLET PARKS FUND – OPEN SPACE COMPONENT – CARDINALE PROPERTY – HASHAMOMUCK POND (TOWN OF SOUTHOLD- SCTM NO. 1000-056.00-05.00-009.000)

WHEREAS, Local Law No. 34-2004, a “Charter Law Adding Article XXXVI to the Suffolk County Charter to Provide a Suffolk County Save Open Space (SOS), Farmland Preservation, and Hamlet Parks Fund and Permitting the Transfer of Development Rights” was approved by the electorate on November 2, 2004; and

WHEREAS, Resolution No. 1361-2004 appropriated \$30 million for acquisitions under the Open Space component of the Suffolk County Save Open Space (SOS), Farmland Preservation, and Hamlet Parks Fund; and

WHEREAS, Resolution No. 877-2005, authorized planning steps for the acquisition of the subject property; and

WHEREAS, the Environmental Trust Review Board has reviewed the appraisals and the report of the Internal Appraisal Review Board and has approved the purchase price and authorized the Director of the Division of Real Property Acquisition and Management to negotiate the acquisition; now, therefore be it

1ST RESOLVED, that the County of Suffolk hereby approves the acquisition of the subject property set forth below under the Suffolk County Save Open Space (SOS), Farmland Preservation, and Hamlet Parks Fund, Open Space component, for a total purchase price of Four Hundred Thousand Dollars (\$400,000.00±), subject to a final survey; and hereby approves additional expenses, which shall include but not be limited to the cost of surveys, appraisals, environmental audits, title reports and insurance, and tax adjustments:

<u>PARCEL:</u>	<u>SUFFOLK COUNTY TAX MAP NUMBER:</u>	<u>ACRES:</u>	<u>REPUTED OWNER AND ADDRESS:</u>
No. 1	District 1000 Section 056.00 Block 05.00 Lot 009.000	0.72± acres	John & Joan Cardinale 634 Baldwin Drive Rivervale, NJ 07675

and be it further

2nd RESOLVED, that the Director of the Division of Real Property Acquisition and Management and/or her designee, is hereby authorized, empowered, and directed, pursuant to Section C42-2(C)(3)(d) of the SUFFOLK COUNTY CHARTER, to acquire the parcel(s) listed herein above from the reputed owner, the funding for which shall be provided under the Suffolk County Save Open Space, Farmland Preservation, and Hamlet Parks Fund, Section C36-1(A)(1), of the SUFFOLK COUNTY CHARTER for the purchase price of Four Hundred Thousand Dollars (\$400,000.00±), subject to a final survey; and be it further

3rd RESOLVED, that the County Comptroller and County Treasurer are hereby authorized to reserve and to pay \$400,000.00±, subject to a final survey, from previously appropriated funds in Capital Project 525-CAP-8705.210, the Suffolk County Save Open Space (SOS), Farmland Preservation, and Hamlet Parks Fund, Open Space component, Section C36-1(A)(1), for this acquisition; and be it further

4th RESOLVED, that the Director of the Division of Real Property Acquisition and Management and/or her designee; the County Planning Department; and the County Department of Public Works are hereby authorized, empowered, and directed to take such actions and to pay such additional expenses as may be necessary and appropriate to consummate such acquisition, including, but not limited to, securing appraisals, title insurance and title reports, obtaining surveys, engineering

reports and environmental audits, making tax adjustments and executing such other documents as are required to acquire such County interest in said lands; and be it further

5th RESOLVED, that this property is not to be developed and is being purchased through the Save Open Space Bond Act in accordance with Suffolk County Resolution No. 840-2004, One (1) Workforce Housing Development Rights shall be removed and placed in the Suffolk County Open Space Bond Act Workforce Housing Transfer of Development Rights Program registry pursuant to the Workforce Housing Development Rights Program as developed by the Department of Planning and approved by the Suffolk County Executive and the Suffolk County Legislature; and be it further

6th RESOLVED, that the subject parcel(s) shall be transferred to the Department of Parks, Recreation and Conservation for passive recreational use; and, be it further

7th RESOLVED, that the above activity is an unlisted action pursuant to the provisions of Title 6 NYCRR, Part 617; and be it further

8th RESOLVED, that the project will not have a significant effect on the environment for the following reasons:

- 1.) the proposed action will not exceed any of the criteria in 6 NYCRR, Section 617.7, which sets forth thresholds for determining significant effect on the environment, as demonstrated in the Environmental Assessment Form; and
- 2.) the proposed use of the subject parcel(s) will be passive recreation; and
- 3.) if not acquired, the property will most likely be developed for residential purposes, incurring far greater environmental impact than the proposed acquisition and preservation of the site would have; and be it further

9th RESOLVED, in accordance with Section 279-5(C)(4) of the SUFFOLK COUNTY CODE, the Suffolk County Council on Environmental Quality is hereby directed to prepare and circulate any appropriate notices or determinations in accordance with this resolution.

DATED: October 17, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: November 2, 2006

Legislator Romaine made motion for the following resolution, seconded by Deputy Presiding Officer Vilorio-Fisher. The resolution was passed 18-0.

Intro. Res. No. 2148-2006

Laid on Table 9/19/2006

Introduced by Presiding Officer, on request of the County Executive and Legislator Romaine

**RESOLUTION NO. 1118 –2006, AUTHORIZING
PLANNING STEPS FOR ACQUISITION UNDER THE
SUFFOLK COUNTY MULTIFACETED LAND
PRESERVATION PROGRAM - OPEN SPACE
COMPONENT (STERLING CREEK, TOWN OF
SOUTHOLD)**

WHEREAS, the 5th RESOLVED clause of Resolution No. 459-2001 established the Suffolk County Multifaceted Land Preservation Program for acquisitions to be consummated pursuant to Resolution No. 751-1997; pursuant to the traditional Suffolk County Open Space Program ; pursuant to Chapter 8 of the SUFFOLK COUNTY CODE for farmland purposes; for parkland purposes; for environmentally sensitive land acquisition; for watershed and/or estuary protection; for drinking water protection purposes; or in accordance with the programmatic criteria set forth in resolution No. 602-2001 designated as the Suffolk County Active Parklands State II Acquisition Program; and

WHEREAS, there are sufficient revenues to fund land acquisitions in Capital Project No. 7177, Project Name: "Suffolk County Multifaceted Land Preservation Program"; now, therefore be it

1st RESOLVED, that the Director of the Division of Real Property Acquisition and Management, or her deputy, is hereby authorized, empowered, and directed, pursuant to Section 14-10(E) of the SUFFOLK COUNTY CHARTER, to take all preliminary planning steps (i.e. survey, appraisal, title search, and environmental audit) as shall be necessary and appropriate as set forth in the 2nd Resolved clause of this Resolution, funding for which shall be provided in Capital Project No. 7177, to acquire fee title to the parcel listed herein below from the reputed owner for inclusion in the Suffolk County Multifaceted Land Preservation Program for acquisition to be consummated pursuant to the traditional Suffolk County Open Space Program:

<u>PARCEL:</u>	<u>SUFFOLK COUNTY TAX MAP NUMBER:</u>	<u>ACRES:</u>	<u>REPUTED OWNER AND ADDRESS:</u>
No. 1	District 1000 Section 034.00 Block 04.00 Lot 015.000p/o	0.98	Robert J. Kamrowski 40 Hawthorne Rd. Garden City, New York 11530
No. 2	District 1000 Section 034.00	17.62	Antoinette Pollert P.O. Box 578

Block 04.00
Lot 019.001

Southold, New York 11971

Total Acres: 18.6

2nd RESOLVED, that the Director of the Division of Real Property Acquisition and Management, and/or her designee, the County Department of Planning, the County Department of Public Works, and/or the County Department of Parks, Recreation and Conservation are hereby authorized, empowered, and directed to take such other actions as may be necessary and appropriate, in connection with planning for such acquisition, to secure appraisals, obtain surveys, obtain engineering reports, and secure title insurance for such lands; and be it further

3rd RESOLVED, that any unencumbered, unallocated funds available at the conclusion of the consummation of the acquisition of this proposed parcel shall be appropriated to future and subsequent acquisitions under the Suffolk County Multifaceted Land Preservation Program; and be it further

4th RESOLVED, that this Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this resolution constitutes a Type II action pursuant to Sections 617.5 (c) (20) and (21) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6NYCRR) and within the Law as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management and information collection, and the Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination on non-applicability or non-significance in accordance with this resolution.

DATED: October 17, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: November 2, 2006

Deputy Presiding Officer Viloría-Fisher made motion for the following resolution, seconded by Legislator Losquadro. The resolution was passed 13-0-5-0. Legislators Kennedy, Mystal, Stern, D’Amaro and Cooper abstained.

Intro. Res. No 2174-2006
Introduced by Legislator Viloría-Fisher

Laid on Table 9/19/2006

RESOLUTION NO. 1119 -2006, ACCEPTING A DONATION OF REAL PROPERTY FOR OPEN SPACE PURPOSES - A SCDHS BOARD OF REVIEW TRANSFER OF DEVELOPMENT RIGHTS (FILE NO. R02-03-0866 and 0867)

WHEREAS, a variance is being required from the Suffolk County Department of Health Services Board of Review in connection with an application as described in a

Report of Findings and Recommendations regarding the applicant, Lawrence Holt for Coraci, (File No. R02-03-0866 and 0867); and

WHEREAS, the Board of Review, under Section 760-607 (A)(1) and (B)(1) of the SUFFOLK COUNTY SANITARY CODE, granted the request for a variance on January 27, 2004, revised February 23, 2004 and revised July 8, 2004, subject to the applicant's obtaining, and transferring to the County of Suffolk development rights or credits for the excess density required and a transfer of property with covenants to the County of Suffolk to sterilize the transferred property so as to protect surface and groundwater quality by establishing limits on population density; and

WHEREAS, the Board of Review specifically imposed as a condition of its variance approval that the owner place a covenant upon the receiving parcel(s), known as S.C.T.M. No. District 0200, Section 976.60 Block 01.00 Lot 001.048 n/k/a, more particularly described on Schedule "A" attached hereto and made a part hereof, and on the transfer parcel(s) known as S.C.T.M. No. District 0200 Section 740.00 Block 04.00 Lot 001.000, more particularly described on Schedule "B" attached hereto and made a part hereof and whereby the parcel(s) described in Schedule "B" shall be sterilized by the property owner and transferred to the County of Suffolk for open space purposes in exchange for the transfer of its Development Density Rights to the property described in Schedule "A"; and

WHEREAS, the Suffolk County Department of Planning has recommended this proposed transfer in a Memorandum to the County Department of Health Services, Division of Environmental Quality, dated June 14, 2004, as provided in Schedule "C"; now, therefore be it

1st RESOLVED, that the County of Suffolk hereby accepts the donation and transfer of the property described in Schedule "B", subject to it being sterilized by the owner for open space purposes to protect the aquifer and water supply, which property shall be kept in its natural state in perpetuity, except for property maintenance activities as may be appropriate, to effectuate the declaration of covenants and restrictions imposed by the applicant, without impairing the essential nature and open character of the premises and subject to the use of the open space area for passive recreational purposes; and be it further

2nd RESOLVED, that the Suffolk County Division of Real Property Acquisition and Management in the Department of Environment and Energy is hereby authorized, empowered, and directed, pursuant to Section C42-2(3)(d) of the Suffolk County Charter, to execute such documents as are necessary to acquire said parcel(s) as described in Schedule "B"; and be it further

3rd RESOLVED, that the Assessor of the Town of Brookhaven, and all other assessors having jurisdiction thereof, be and they hereby are directed to mark the assessment rolls of their jurisdiction to show that said property is owned by the County of Suffolk and is exempt from taxation and exempt from special ad valorem levies and special assessments to the extent permitted by law pursuant to Section 406(1) of the NEW YORK REAL PROPERTY TAX LAW; and be it further

4th RESOLVED, that the Suffolk County Division of Real Property Acquisition and Management in the Department of Environment and Energy shall transfer jurisdiction of said land as described in Schedule "B", to the Suffolk County Department of Parks,

Recreation, and Conservation for passive recreational purposes in the Yaphank Buffer Area; and be it further

5th RESOLVED, that this Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this resolution constitutes an unlisted action which will not have a significant effect on the environment for the following reasons:

1. The proposed action will not exceed any of the criteria in Section 617.7(c) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) which sets forth thresholds for determining significant effect on the environment;
2. The property will be open space under the jurisdiction of the Suffolk County Department of Parks, Recreation, and Conservation; and
3. The site will only be used for passive recreational purposes,

;and be it further

6th RESOLVED, that a copy of this Resolution shall be filed with the Suffolk County Clerk, the initiating unit of said project, and with CEQ; and be it further

7th RESOLVED, that in accordance with Section 279-5(C)(4) of the SUFFOLK COUNTY CODE, the CEQ is hereby directed to prepare and circulate a SEQRA notice of determination of non-significance in accordance with this Resolution.

DATED: October 17, 2006

EFFECTIVE PURSUANT TO SECTION 2-15(F) OF THE SUFFOLK COUNTY CHARTER,
RETURNED BY THE COUNTY EXECUTIVE UNSIGNED NOVEMBER 2, 2006

Schedule "A"

SCTM No.: District 0200, Section 976.60 Block 01.00 Lot 001.048 n/k/a

Schedule "B"

SCTM No. : District 0200 Section 740.00 Block 04.00 Lot 001.000

Schedule "C"

Legislator Losquadro made motion for the following resolution, seconded by Deputy Presiding Officer Vilorio-Fisher. The resolution was passed 13-0-5-0. Legislators Alden, Mystal, Stern, D'Amario and Cooper abstained.

Intro. Res. No. 2175-2006

Laid on Table 9/19/2006

Introduced by Legislator Losquadro and Vilorio-Fisher

RESOLUTION NO. 1120 -2006, ACCEPTING A DONATION OF REAL PROPERTY FOR OPEN SPACE PURPOSES - A SCDHS BOARD OF REVIEW TRANSFER OF DEVELOPMENT RIGHTS (FILE NO. S02-99-049) – A RE-SUBMISSION FOR CORRECTION 8-16-2006

WHEREAS, a variance is being required from the Suffolk County Department of Health Services Board of Review in connection with an application as described in a Report of Findings and Recommendations regarding the applicant, Patrick Cicorelli, File No. S02-99-049; and

WHEREAS, the Board of Review, under Section 760-607 (A)(1) and (B)(1) of the SUFFOLK COUNTY SANITARY CODE, granted the request for a variance on August 10, 2000, subject to the applicant's obtaining and transferring to the County of Suffolk development rights or credits for the excess density required and a transfer of property with covenants to the County of Suffolk to sterilize the transferred property so as to protect surface and groundwater quality by establishing limits on population density; and

WHEREAS, the Board of Review specifically imposed a condition of its variance approval that the owner place a covenant upon the receiving parcel(s) as described in Schedule "A" attached hereto and made a part hereof, and on the transfer parcel(s) as described in Schedule "B" attached hereto and made a part hereof and whereby the parcel(s) described in Schedule "B" shall be sterilized by the property owner and transferred and dedicated to the County of Suffolk for open space purposes in exchange for the transfer of its Development Density Rights to the property described in Schedule "A"; and

WHEREAS, the Suffolk County Department of Planning has recommended this proposed transfer in a Memorandum to the County Department of Health Services, Division of Environmental Quality, dated March 28, 2000 and revised May 11, 2006, as provided in Schedule "C"; and

WHEREAS, in the revised Memorandum of May 11, 2006 to the County Department of Health Services, a correction was required to Resolution No. 1266-2004, regarding an exchange of a parcel of land listed on Schedule "B", hereby omitting SCTM No. 0200-163.00-02.00-028.000 and, therefore, adding SCTM No. 0200-140.00-05.00-063.000 n/k/a 0200-140.00-05.00-063.001p/o , as now noted and approved by the County Department of Health Services on May 18, 2006, as provided in Schedule "D"; now, therefore be it

1st RESOLVED, that the County of Suffolk hereby accepts the donation and transfer of the property described in Schedule "B", subject to it being sterilized by the owner for open space purposes to protect the aquifer and water supply, which property shall be kept in its natural state in perpetuity, except for property maintenance activities as may be appropriate, to effectuate the declaration of covenants and restrictions imposed by the applicant, without impairing the essential nature and open character of the premises and subject to the use of the open space area for passive recreational purposes; and be it further

2ND RESOLVED, that the Suffolk County Division of Real Property Acquisition and Management in the Department of Environment and Energy is hereby authorized, empowered, and directed, pursuant to Section C42-2(3)(d) of the Suffolk County Charter, to

execute such documents as are necessary to acquire said parcel(s) as described in Schedule "B"; and be it further

3rd RESOLVED, that the Assessor of the Town of Brookhaven, and all other assessors having jurisdiction thereof, be and they hereby are directed to mark the assessment rolls of their jurisdiction to show that said property is owned by the County of Suffolk and is exempt from taxation and exempt from special ad valorem levies and special assessments to the extent permitted by law pursuant to Section 406(1) of the NEW YORK REAL PROPERTY TAX LAW; and be it further

4rd RESOLVED, that the Suffolk County Division of Real Property Acquisition and Management in the Department of Environment and Energy shall transfer jurisdiction of said land as described in Schedule "B, to the Suffolk County Department of Parks, Recreation, and Conservation for passive recreational purposes in the Crystal Brook Hollow area south of Rte 25A in Mt. Sinai; and be it further

5th RESOLVED, that this Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this resolution constitutes an unlisted action which will not have a significant effect on the environment for the following reasons:

1. The proposed action will not exceed any of the criteria in Section 617.7(c) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) which sets forth thresholds for determining significant effect on the environment;
2. The property will be open space under the jurisdiction of the Suffolk County Department of Parks, Recreation, and Conservation; and
3. The site will only be used for passive recreational purposes;

and be it further

6th RESOLVED, that a copy of this Resolution shall be filed with the Suffolk County Clerk, the initiating unit of said project, and with CEQ; and be it further

7th RESOLVED, that in accordance with Section 279-5(C)(4) of the SUFFOLK COUNTY CODE, the CEQ is hereby directed to prepare and circulate a SEQRA notice of determination of non-significance in accordance with this Resolution.

DATED: October 17, 2006

EFFECTIVE PURSUANT TO SECTION 2-15(F) OF THE SUFFOLK COUNTY CHARTER,
RETURNED BY THE COUNTY EXECUTIVE UNSIGNED NOVEMBER 2, 2006

Schedule "A"

0200-163.00-02.00-040.000-N/K/A-0200-163.00-08.00-001.009p/o
0200-163.00-02.00-041.000-N/K/A-0200-163.00-08.00-001.009p/o
0200-163.00-02.00-042.000-N/K/A-0200-163.00-08.00-001.009p/o
0200-163.00-02.00-044.000-N/K/A-0200-163.00-08.00-001.008p/o
0200-163.00-02.00-045.000-N/K/A-0200-163.00-08.00-001.008p/o
0200-163.00-02.00-046.000-N/K/A-0200-163.00-08.00-001.003p/o
0200-163.00-04.00-003.000-N/K/A-0200-163.00-08.00-001.007p/o
0200-163.00-04.00-004.000-N/K/A-0200-163.00-08.00-001.006p/o+001.007p/o
0200-163.00-04.00-005.000-N/K/A-0200-163.00-08.00-001.016p/o+001.017p/o
0200-163.00-04.00-006.000-N/K/A-0200-163.00-08.00-001.016p/o
0200-163.00-04.00-007.000-N/K/A-0200-163.00-08.00-001.019p/o+001.020p/o+001.033p/o
0200-163.00-04.00-008.000-N/K/A-0200-163.00-08.00-001.018p/o+001.019p/o+001.033p/o
0200-163.00-04.00-009.000-N/K/A-0200-163.00-08.00-001.031p/o+001.032p/o+001.033p/o
0200-163.00-04.00-010.000-N/K/A-0200-163.00-08.00-001.031p/o+001.033p/o
0200-163.00-04.00-011.000-N/K/A-0200-163.00-08.00-001.028p/o+001.029p/o+001.030p/o
+001.033p/o
0200-163.00-04.00-012.000-N/K/A-0200-163.00-08.00-001.028p/o+001.033p/o
0200-163.00-04.00-013.000-N/K/A-0200-163.00-08.00-001.002p/o+001.003p/o+001.028p/o
+001.033p/o
0200-163.00-04.00-014.000-N/K/A-0200-163.00-08.00-001.027p/o+001.028p/o+001.033p/o
0200-163.00-04.00-015.000-N/K/A-0200-163.00-08.00-001.027p/o+001.028p/o+001.029p/o
+001.030p/o
0200-163.00-04.00-016.000-N/K/A-0200-163.00-08.00-001.031p/o+001.032p/o
0200-163.00-04.00-018.000-N/K/A-0200-163.00-08.00-001.032p/o
0200-163.00-04.00-019.000-N/K/A-0200-163.00-08.00-001.018p/o+001.019p/o
0200-163.00-04.00-020.000-N/K/A-0200-163.00-08.00-001.020p/o
0200-163.00-04.00-021.000-N/K/A-0200-163.00-08.00-001.020p/o+001.021p/o+001.033p/o
0200-163.00-04.00-022.000-N/K/A-0200-163.00-08.00-001.021p/o+001.022p/o+001.032p/o
0200-163.00-04.00-023.000-N/K/A-0200-163.00-08.00-001.023p/o+001.032p/o
0200-163.00-04.00-024.000-N/K/A-0200-163.00-08.00-001.023p/o+001.024p/o
0200-163.00-04.00-025.000-N/K/A-0200-163.00-08.00-001.024p/o+001.025p/o
0200-163.00-04.00-026.000-N/K/A-0200-163.00-08.00-001.025p/o+001.026p/o+001.027p/o
+001.033p/o
0200-163.00-04.00-027.000-N/K/A-0200-163.00-08.00-001.005p/o+001.009p/o+001.010p/o
+001.025p/o+001.026p/o+001.033p/o
0200-163.00-04.00-028.000-N/K/A-0200-163.00-08.00-001.024p/o+001.025p/o+001.033p/o
0200-163.00-04.00-029.000-N/K/A-0200-163.00-08.00-001.023p/o+001.024p/o+001.032p/o
+001.033p/o
0200-163.00-04.00-030.000-N/K/A-0200-163.00-08.00-001.032p/o+001.033p/o
0200-163.00-04.00-031.000-N/K/A-0200-163.00-08.00-001.014p/o+001.021p/o+001.022p/o
+001.033p/o
0200-163.00-04.00-032.000-N/K/A-0200-163.00-08.00-001.014p/o+001.015p/o+001.021p/o
+001.033p/o

Schedule "A"

SCTM NO.:

Page 2 of 2

0200-163.00-04.00-033.000-N/K/A-0200-163.00-08.00-001.013p/o+001.014p/o+001.015p/o
0200-163.00-04.00-034.000-N/K/A-0200-163.00-08.00-001.013p/o
0200-163.00-04.00-035.000-N/K/A-0200-163.00-08.00-001.012p/o+001.036p/o
0200-163.00-04.00-037.000-N/K/A-0200-163.00-08.00-001.011p/o+001.036p/o
0200-163.00-04.00-038.000-N/K/A-0200-163.00-08.00-001.010p/o+001.011p/o
0200-184.00-03.00-001.000-N/K/A-0200-184.00-03.00-032.000p/o+033.000p/o
0200-184.00-03.00-002.000-N/K/A-0200-184.00-03.00-032.000p/o
0200-184.00-03.00-003.000-N/K/A-0200-184.00-03.00-031.000p/o+032.000p/o+033.000p/o+
0200-163.00-08.00-001.033p/o
0200-184.00-03.00-004.000-N/K/A-0200-184.00-03.00-030.000p/o+031.000p/o+
0200-163.00-08.00-001.033p/o
0200-184.00-03.00-005.000-N/K/A-0200-184.00-03.00-030.000p/o+
0200-163.00-08.00-001.033p/o
0200-184.00-03.00-006.000-N/K/A-0200-184.00-03.00-029.000p/o
0200-184.00-03.00-007.000-N/K/A-0200-184.00-03.00-029.000p/o

Schedule "B"

SCTM NO.:

Page 1 of 1

0200-140.00-04.00-017.000-N/K/A-0200-140.00-05.00-063.001p/o
0200-140.00-04.00-018.000-N/K/A-0200-140.00-05.00-063.001p/o
0200-140.00-04.00-020.000
0200-140.00-04.00-022.000
0200-140.00-04.00-024.000
0200-140.00-05.00-009.000-N/K/A-0200-140.00-05.00-063.001p/o
0200-140.00-05.00-010.000-N/K/A-0200-140.00-05.00-063.001p/o
0200-140.00-05.00-011.000-N/K/A-0200-140.00-05.00-063.001p/o
0200-140.00-05.00-013.000-N/K/A-0200-140.00-05.00-063.001p/o
0200-140.00-05.00-014.000-N/K/A-0200-140.00-05.00-063.001p/o
0200-140.00-05.00-015.000-N/K/A-0200-140.00-05.00-063.001p/o
0200-140.00-05.00-016.000-N/K/A-0200-140.00-05.00-063.001p/o
0200-140.00-05.00-017.000-N/K/A-0200-140.00-05.00-063.001p/o
0200-140.00-05.00-018.000-N/K/A-0200-140.00-05.00-063.001p/o
0200-140.00-05.00-019.000-N/K/A-0200-140.00-05.00-063.001p/o
0200-140.00-05.00-020.000-N/K/A-0200-140.00-05.00-063.001p/o
0200-140.00-05.00-021.000-N/K/A-0200-140.00-05.00-063.001p/o
0200-140.00-05.00-022.000-N/K/A-0200-140.00-05.00-063.001p/o
0200-140.00-05.00-023.000
0200-140.00-05.00-063.000-N/K/A-0200-140.00-05.00-063.001p/o
0200-163.00-02.00-029.000-N/K/A-0200-163.00-02.00-036.001p/o
0200-163.00-02.00-030.000-N/K/A-0200-163.00-02.00-036.001p/o
0200-163.00-02.00-031.000-N/K/A-0200-163.00-02.00-036.001p/o
0200-163.00-02.00-032.000-N/K/A-0200-163.00-02.00-036.001p/o
0200-163.00-02.00-033.000-N/K/A-0200-163.00-02.00-036.001p/o
0200-163.00-02.00-034.000-N/K/A-0200-163.00-02.00-036.001p/o
0200-163.00-02.00-035.000-N/K/A-0200-163.00-02.00-036.001p/o
0200-163.00-02.00-036.000-N/K/A-0200-163.00-02.00-036.001p/o

Schedule "C"

Schedule "D"

Legislator Losquadro made motion for the following resolution, seconded by Deputy Presiding Officer Viloría-Fisher. The resolution was passed 13-0-5-0. Legislators Alden, Mystal, Stern, D'Amario and Cooper abstained.

Intro. Res. No. 2176-2006

Laid on Table 9/19/2006

Introduced by Legislator Losquadro and Viloría-Fisher

RESOLUTION NO. 1121 -2006, ACCEPTING A DONATION OF REAL PROPERTY FOR OPEN SPACE PURPOSES - A SCDHS BOARD OF REVIEW TRANSFER OF DEVELOPMENT RIGHTS (FILE NO. S02-99-0182)

WHEREAS, a variance is being required from the Suffolk County Department of Health Services Board of Review in connection with an application as described in a Report of Findings and Recommendations regarding the applicant, Ted Rosenberg/Stuart Podolsky, File No. S02-99-0182; and

WHEREAS, the Board of Review, under Section 760-607 (A)(1) and (B)(1) of the SUFFOLK COUNTY SANITARY CODE, granted the request for a variance on November 23, 2004, subject to the applicant's obtaining, and transferring to the County of Suffolk development rights or credits for the excess density required and a transfer of property with covenants to the County of Suffolk to sterilize the transferred property so as to protect surface and groundwater quality by establishing limits on population density; and

WHEREAS, the Board of Review specifically imposed as a condition of its variance approval that the owner place a covenant upon the receiving parcel(s), known as S.C.T.M. No. District 0200, Section 184.00 Block 02.00 Lot 002.000, more particularly described on Schedule "A" attached hereto and made a part hereof, and on the transfer parcel(s) known as S.C.T.M. No. District 0200 Section 188.00 Block 05.00 Lot 022.000, District 0200, Section 184.00 Block 02.00 Lot 002.000, more particularly described on Schedule "A" attached hereto and made a part hereof, and on the transfer parcel(s) known as S.C.T.M. No. District 0200 Section 188.00 Block 05.00 Lot 022.000, more particularly described on Schedule "B" attached hereto and made a part hereof and whereby the parcel(s) described in Schedule "B" shall be sterilized by the property owner and transferred to the County of Suffolk for open space purposes in exchange for the transfer of its Development Density Rights to the property described in Schedule "A"; and

WHEREAS, the Suffolk County Department of Planning has recommended this proposed transfer in a Memorandum to the County Department of Health Services, Division of Environmental Quality, dated August 3, 2004, as provided in Schedule "C"; now, therefore be it

1st RESOLVED, that the County of Suffolk hereby accepts the donation and transfer of the property described in Schedule "B", subject to it being sterilized by the owner for open space purposes to protect the aquifer and water supply, which property shall be kept in its

natural state in perpetuity, except for property maintenance activities as may be appropriate, to effectuate the declaration of covenants and restrictions imposed by the applicant, without impairing the essential nature and open character of the premises and subject to the use of the open space area for passive recreational purposes; and be it further

2nd RESOLVED, that the Suffolk County Division of Real Property Acquisition and Management in the Department of Environment and Energy is hereby authorized, empowered, and directed, pursuant to Section C42-2(3)(d) of the Suffolk County Charter, to execute such documents as are necessary to acquire said parcel(s) as described in Schedule "B"; and be it further

3rd RESOLVED, that the Assessor of the Town of Brookhaven, and all other assessors having jurisdiction thereof, be and they hereby are directed to mark the assessment rolls of their jurisdiction to show that said property is owned by the County of Suffolk and is exempt from taxation and exempt from special ad valorem levies and special assessments to the extent permitted by law pursuant to Section 406(1) of the NEW YORK REAL PROPERTY TAX LAW; and be it further

4th RESOLVED, that the Suffolk County Division of Real Property Acquisition and Management in the Department of Environment and Energy shall transfer jurisdiction of said land as described in Schedule "B, to the Suffolk County Department of Parks, Recreation, and Conservation for passive recreational purposes in the Miller Place-Yaphank Road Nature Preserve County Park (BR 17); and be it further

5th RESOLVED, that this Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this resolution constitutes an unlisted action which will not have a significant effect on the environment for the following reasons:

1. The proposed action will not exceed any of the criteria in Section 617.7(c) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) which sets forth thresholds for determining significant effect on the environment;
2. The property will be open space under the jurisdiction of the Suffolk County Department of Parks, Recreation, and Conservation; and
3. The site will only be used for passive recreational purposes;

and be it further

6th RESOLVED, that a copy of this Resolution shall be filed with the Suffolk County Clerk, the initiating unit of said project, and with CEQ: and be it further

7th RESOLVED, that in accordance with Section 279-5(C)(4) of the SUFFOLK COUNTY CODE, the CEQ is hereby directed to prepare and circulate a SEQRA notice of determination of non-significance in accordance with this Resolution.

DATED: October 17, 2006

EFFECTIVE PURSUANT TO SECTION 2-15(F) OF THE SUFFOLK COUNTY CHARTER,
RETURNED BY THE COUNTY EXECUTIVE UNSIGNED NOVEMBER 2, 2006

Schedule "A"

SCTM No.: District 0200, Section 184.00 Block 02.00 Lot 002.000

Schedule "B"

SCTM No. : District 0200 Section 188.00 Block 05.00 Lot 022.000

Schedule "C"

Legislator Stern made motion for the following resolution, seconded by Legislator Cooper. The resolution was passed 15-0-1-2. Legislator Alden abstained. Deputy Presiding Officer Viloría-Fisher and Legislator Barraga were not present.

Intro. Res. No. 2097-2006
Introduced by Legislator Stern

Laid on Table 9/19/2006

RESOLUTION NO. 1122 -2006, AUTHORIZING THE SUFFOLK COUNTY DEPARTMENT OF HEALTH SERVICES TO PROMOTE AWARENESS OF THE BENEFITS OF CORD BLOOD AND ENCOURAGE CORD BLOOD DONATIONS

WHEREAS, over 100 million Americans suffer from diseases that may eventually be treated more effectively or even cured with stem cells; and

WHEREAS, following the birth of a baby, the umbilical cord is often discarded, along with the placenta; and

WHEREAS, umbilical cord blood is rich in stem cells which can be used to treat patients with cancer, sickle cell disease and other cancer disorders; and

WHEREAS, cord blood donations provide a simple and safe alternative to bone marrow transplants, and help treat various genetic disorders that affect the blood and immune system, leukemia and certain cancers; and

WHEREAS, studies suggest that stem cells from cord blood offer important advantages over those retrieved from bone marrow; and

WHEREAS, the donation, collection and storage of stem cells collected from postnatal tissue and fluid should be encouraged so that such stem cells are available for both scientific research and medical treatment; and

WHEREAS, educating the public on the benefits of cord blood donations can save the lives of individuals who need treatment for these life threatening diseases; now, therefore be it

1st RESOLVED, pursuant to Section C9-3 of the SUFFOLK COUNTY CHARTER, the Commissioner of the Suffolk County Department of Health Services is hereby authorized, empowered, and directed to take all steps reasonable and necessary to promote awareness

among Suffolk County residents of the benefits of donating stem cells from cord blood; and be it further

2nd RESOLVED, that the Department shall develop or obtain printed materials that promote awareness and encourage donation of cord blood which will be made available to all those receiving prenatal care at County Health Centers; and be it further

3rd RESOLVED, that this Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this resolution constitutes a Type II action pursuant to Section 617.5(c)(20), (21) and (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management and information collection, and the Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this resolution.

DATED: October 17, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: November 2, 2006

Legislator Romaine made motion for the following resolution, seconded by Legislator Mystal. The resolution was passed 16-0-0-2. Deputy Presiding Officer Viloria-Fisher and Legislator Barraga were not present.

Intro. Res. No. 2114-2006

Laid on Table 9/19/2006

Introduced by Legislators Romaine and Schneiderman

RESOLUTION NO. 1123 –2006, TO ESTABLISH A TICK MANAGEMENT TASK FORCE IN SUFFOLK COUNTY

WHEREAS, Suffolk County is inundated with a large number of ticks of different species, some of which include the dog tick, the black-legged tick or deer tick, and the lone star tick; and

WHEREAS, these ticks carry numerous diseases, including Lyme Disease, Ehrlichiosis and Anaplasmosis, Rocky Mountain Spotted Fever, Babesiosis, Tularemia, among others; and

WHEREAS, the number of ticks carrying these diseases is skyrocketing, posing serious public health and safety risks for Suffolk County residents; and

WHEREAS, the County of Suffolk currently has a surveillance and control program for mosquitoes to reduce the incidents of West Nile Disease and Eastern Equine Encephalitis cases; and

WHEREAS, Suffolk County needs to take an aggressive approach to eradicate ticks and find treatments for diseases carried and spread by ticks; and

WHEREAS, Suffolk County should study ways to address the current over-population of ticks and implement a program to manage tick control and diseases related to tick bites; and

WHEREAS, the formation of a task force is necessary to review this problem and make recommendations for appropriate action by the County Legislature, the Department of Health Services, and the County Executive; now, therefore be it

1st RESOLVED, that the Suffolk County Tick Management Task Force is hereby created to study the effects of the tick population and the spread of tick-related diseases, and to develop a comprehensive needs assessment give the County's approach to this public health and safety issue; and be it further

2nd RESOLVED, that the Task Force shall consist of the following members:

1. the Commissioner of the Suffolk County Department of Health Services, shall designate a representative knowledgeable in the area of tick control and tick related illnesses, who will serve as Chair;
2. the County Executive, or his designee;
3. the Presiding Officer of the Suffolk County Legislature, or his designee;
4. a representative from Brookhaven National Laboratory, knowledgeable in the area of tick control and tick related illnesses;
5. the Chair of the Shelter Island Deer and Tick Committee, or his/her designee;
6. a representative from the Pine Barrens Society;
7. a representative from The Nature Conservancy;
8. a representative from the League of Conservation Voters;
9. a representative from the U.S. Fish and Wildlife Service;
10. a representative from the National Park Service, Fire Island National Seashore;
11. the Regional Director of the New York State Department of Environmental Conservation, or his/her designee;
12. the Commissioner of the Department of Environment and Energy, or his/her designee
13. a Board Member of the Empire State Lyme Disease Association, Inc.; and
14. a representative from the medical community to be selected by the Chair of the Health and Human Services Legislative Committee.

and be it further

3rd RESOLVED, that the Tick Management Task Force shall hold its first meeting no later than thirty (30) days after the oaths of office of all members have been filed, which meeting shall be convened by the Chair of the Committee for the purposes of organization; and be it further

4th **RESOLVED**, that the members of the Tick Management Task Force shall serve without compensation and shall serve at the pleasure of their respective appointing authorities; and be it further

5th **RESOLVED**, that the Tick Management Task Force shall meet at least six times, keep a record of all its proceedings, and determine the rules of its own proceedings with special meetings to be called by the Chair upon his/her own initiative or upon receipt of a written request therefore signed by at least three members of the Tick Management Task Force. Written notice of the time and place of such special meetings shall be given by the Chair to each member at least four days before the date fixed by the notice for such special meeting; and be it further

6th **RESOLVED**, that eleven members of the Tick Management Task Force shall constitute a quorum to transact the business of the Task Force at both regular and special meetings; and be it further

7th **RESOLVED**, that the Tick Management Task Force may submit requests to the County Executive and/or County Legislature for approval for the provision of secretarial services, travel expenses, or retention of consultants to assist the Task Force with such endeavors, said total expenditures not to exceed Five Thousand Dollars (\$5,000) per fiscal year, which services shall be subject to Legislative approval; and be it further

8th **RESOLVED**, that clerical services involving month-to-month operation of this Tick Management Task Force, as well as supplies and postages as necessary, will be provided by the staff of the County Department of Health Services; and be it further

9th **RESOLVED**, that the Tick Management Task Force may conduct such informal hearings and meetings at any place or places within the County of Suffolk for the purpose of obtaining necessary information or other data to assist in the proper performance of its duties and functions as it deems necessary, and the Task Force shall hold at least one public hearing before approving or rejecting any proposal; and be it further

10th **RESOLVED**, that the Tick Management Task Force may delegate to any member of the Task Force, the power and authority to conduct such hearings and meetings; and be it further

11th **RESOLVED**, that the Tick Management Task Force shall cooperate with the Legislative Committee of the County Legislature and make available to each Committee's use, upon request, any records and other data it may accumulate or obtain; and be it further

12th **RESOLVED**, that the Tick Management Task Force shall submit a written report of its findings and determinations together with its recommendations for action to each member of the County Legislature, the Commissioner of the Department of Health Services, and the County Executive no later than one year subsequent to the effective date of this Resolution for consideration, review, and appropriate action, if necessary, by the entire County Legislature; and be it further

13th **RESOLVED**, that the Tick Management Task Force shall expire, and the terms of office of its members shall terminate as of December 1, 2007, at which time the Tick

Management Task Force shall deposit all records of its proceedings with the Clerk of the Legislature; and be it further

14th RESOLVED, that this Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this resolution constitutes a Type II action pursuant to Section 617.5(c)(20), (21) and (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management and information collection, and the Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this resolution.

DATED: October 17, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: November 2, 2006

Presiding Officer Lindsay made motion for the following resolution, seconded by Legislator Cooper. The resolution was passed 16-0-0-2. Deputy Presiding Officer Viloria-Fisher and Legislator Barraga were not present.

Intro. Res. No. 2125-2006 Laid on Table 9/19/2006
Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 1124 -2006, ACCEPTING AND APPROPRIATING 75.3% ADDITIONAL FEDERAL GRANT FUNDS PASSED THROUGH THE NEW YORK STATE DEPARTMENT OF HEALTH TO THE SUFFOLK COUNTY DEPARTMENT OF HEALTH SERVICES FOR THE COMMUNITY HEALTH WORKER PROGRAM

WHEREAS, the New York State Department of Health Services has awarded 75.3% additional Federal grant funds to the Department of Health Services, Division of Patient Care Services for the Community Health Worker Program in the amount of \$275,000 for the period 07/01/06-06/30/07; and

WHEREAS, this programs goals, through case management and education are to reduce: infant mortality, sexually transmitted diseases, AIDS transmission and promote childhood wellness and starting early prenatal care; and

WHEREAS, this program is implemented through a subcontract with Good Samaritan Hospital and the funding will be used for salaries and fringe benefits for two additional staff members that will be dedicated to the goals of this program; and

WHEREAS, 75.3% additional Federal aid in the amount of \$59,061 needs to be appropriated for the existing Community Health Worker Program administered by Suffolk County Division of Patient Care Services; and

WHEREAS, this unallocated 75.3% additional Federal Aid is not currently included in the 2006 Adopted Operating Budget; now, therefore be it

1st RESOLVED, that the County Comptroller and the County Treasurer be and hereby are authorized to accept and appropriate \$59,061 grant funds as follows:

REVENUES

001-4401 Public Health \$59,061

APPROPRIATIONS

Department of Health Services (HSV)
Division of Patient Care Services
Community Health Worker Program
001-HSV-4100-4980

<u>Psuedo-Agency</u>	<u>Adopted</u>	<u>Modified Adopted</u>	<u>Change</u>
AYM1-Good Samaritan Hospital	\$5,775,740	\$5,834,801	+\$59,061

and be it further

2nd RESOLVED, that the County Executive be and hereby is authorized to execute a contract with Good Samaritan Hospital; and be it further

3rd RESOLVED, that this Legislature, being the lead agency under SEQRA and Chapter 279 of the Suffolk County Code, hereby determines that this resolution constitutes a Type II action.

DATED: October 17, 2006

APPROVED BY:

/s/ Paul Sabatino II
Chief Deputy County Executive of Suffolk County

Date: October 19, 2006

Presiding Officer Lindsay made motion for the following resolution, seconded by Legislator Losquadro. The resolution was passed 16-0-0-2. Deputy Presiding Officer Vilorio-Fisher and Legislator Montano were not present.

Intro. Res. No. 2127-2006
Introduced by Presiding Officer, on request of County Executive

Laid on Table 9/19/2006

RESOLUTION NO. 1125 -2006, ACCEPTING AND APPROPRIATING 100% FUNDS TO EXPAND THE HOSPITAL OUTREACH PROGRAM AT STONY BROOK UNIVERSITY HOSPITAL AND AUTHORIZING THE COUNTY EXECUTIVE AND THE COMMISSIONER OF SOCIAL SERVICES TO AMEND THE EXISTING CONTRACT

WHEREAS, the Department of Social Services (DSS) has a successful program of hospital outreach workers to expedite the processing of Medicaid applications; and

WHEREAS, Stony Brook University Hospital has requested that an additional DSS staff person be assigned to the Hospital to expedite the processing of Medicaid applications; and

WHEREAS, the Department of Social Services desires to create one (1) Social Services Examiner II position to process Medicaid cases; and

WHEREAS, this position will be funded by Federal Aid and Stony Brook University Hospital, with no cost to the County; and

WHEREAS, it is in the best interest of Suffolk County to accept these funds; now, therefore be it

1st RESOLVED, that the County Comptroller and County Treasurer be and they are hereby authorized to accept the following funds:

<u>REVENUES:</u>		<u>\$98,384</u>
001-4610	Federal Aid: Administration	49,192
001-2770	Other: Unclassified Revenues	49,192

and be it further

2nd RESOLVED, that total funds in the amount of \$98,384 be and are hereby appropriated as follows, less indirect costs of \$22,000 already included in the 2006 Operating Budget:

<u>ORGANIZATIONS:</u>		\$76,384
Department of Social Services		
Hospital Outreach Services		
	001-DSS-6205	
<u>1000 – Personal Services</u>		
		\$
<u>52,112</u>		
1100 – Permanent Salaries		52,112

Employee Benefits
Retirement
001-EMP-9010

8000 – Employee Benefits

\$6,097

8280 – State Retirement

6,097

Employee Benefits
Social Security
001-EMP-9030

8000 – Employee Benefits

\$3,987

8330 – Social Security

3,987

Employee Benefits
Unemployment Insurance
001-EMP-9055

8000 – Employee Benefits

\$313

8350 – Unemployment Insurance

313

Employee Benefits
Benefit Fund Contribution
001-EMP-9080

8000 – Employee Benefits

\$1,281

8380 – Benefit Fund Contribution

1,281

Employee Benefits
Major Medical Claims
039-EMP-9060

8000 - Employee Benefits

\$6,238

8360 – Health Insurance

6,238

**Employee Benefits
Hospital Claims
039-EMP-9061**

8000 - Employee Benefits

5,314

8360 – Health Insurance

**\$
5,314**

**Employee Benefits
Workers' Compensation
038-EMP-9040**

8000 - Employee Benefits

\$1,042

8300 – Workers' Compensation

1,042

**Interfund Transfers
Transfer to Fund 39 (Self Insurance)
001-IFT-E039**

9000 – Interfund Transfers

\$11,552

9600 – Transfer to Funds

11,552

**Interfund Transfers
Transfer to Fund 38 (Workers Compensation)
001-IFT-E038**

9000 – Interfund Transfers

\$1,042

9600 – Transfer to Funds

1, 042

and be it further

RESOLVED,
that the following interfund revenues be accepted and appropriated as follows:

REVENUES:

<u>\$12,594</u>	
039-IFT-R001	Transfer from
General Fund	
11,552	
038-IFT-R001	Transfer from
General Fund	
1,042	

and be it further

RESOLVED, that the following positions be and they are hereby created:

**Department of Social Services
Family and Children’s Services**

001-DSS-6010

<u>Spec No.</u>	<u>Position Title</u>	<u>J/C</u>	<u>Grade</u>	<u>No. Created</u>
3082	Social Services Examiner II	C	19	+1

and be it further

RESOLVED, that the County Executive and the Commissioner of Social Services be and they are hereby authorized to amend the existing contract with Stony Brook University Hospital.

DATED: October 17, 2006

APPROVED BY:

/s/ Paul Sabatino II
Chief Deputy County Executive of Suffolk County

Date: October 19, 2006

Legislator Barraga made motion for the following resolution, seconded by Legislator Cooper. The resolution was passed 16-0-0-2. Deputy Presiding Officer Viloría-Fisher and Legislator Montano were not present.

Intro. Res. No. 2153-2006

Laid on Table 9/19/2006

Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 1126 -2006, APPROVING THE REAPPOINTMENT OF FRANK KROTSCHINSKY TO THE SUFFOLK COUNTY DISABILITIES ADVISORY BOARD – GROUP D

WHEREAS, the term of office of Disabilities Advisory Board member Frank Krotschinsky has expired; now, therefore be it

RESOLVED, that the reappointment of Frank Krotschinsky, residing at PO Box 504 – Mathews Drive, Speonk, NY 11972, to the Disabilities Advisory Board – Group D, for a

term of office expiring September 14, 2008, be and the same hereby is approved; said appointment having been made by the County Executive pursuant to the provisions of 78-3 of the SUFFOLK COUNTY CODE.

DATED: October 17, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: November 2, 2006

Legislator Barraga made motion for the following resolution, seconded by Legislator Cooper. The resolution was passed 16-0-0-2. Deputy Presiding Officer Viloría-Fisher and Legislator Montano were not present.

Intro. Res. No. 2154-2006

Laid on Table 9/19/2006

Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 1127 -2006, APPROVING THE REAPPOINTMENT OF JUDITH RECORD TO THE SUFFOLK COUNTY DISABILITIES ADVISORY BOARD –GROUP D

WHEREAS, the term of office of Disabilities Advisory Board member Judith Record has expired; now, therefore be it

RESOLVED, that the reappointment of Judith Record, residing at 35 Spray Court, Bayport, NY 11705, to the Disabilities Advisory Board – Group D, for a term of office expiring September 14, 2008, be and the same hereby is approved; said appointment having been made by the County Executive pursuant to the provisions of 78-3 of the SUFFOLK COUNTY CODE.

DATED: October 17, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: November 2, 2006

Legislator Barraga made motion for the following resolution, seconded by Legislator Cooper. The resolution was passed 16-0-0-2. Deputy Presiding Officer Viloría-Fisher and Legislator Montano were not present.

Intro. Res. No.2155-2006

Laid on Table 9/19/2006

Introduced by Presiding Officer, on request of County Executive

RESOLUTION NO. 1128 -2006, APPROVING THE REAPPOINTMENT OF GLENN CAMPBELL TO THE SUFFOLK COUNTY DISABILITIES ADVISORY BOARD –GROUP D

WHEREAS, the term of office of Disabilities Advisory Board member Glenn Campbell has expired, now, therefore be it

RESOLVED, that the reappointment of Glenn Campbell, residing at 29 Soundview Drive, Port Jefferson, NY 11777, to the Disabilities Advisory Board – Group D, for a term of office expiring September 14, 2008, be and the same hereby is approved; said appointment having been made by the County Executive pursuant to the provisions of 78-3 of the SUFFOLK COUNTY CODE.

DATED: October 17, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: November 2, 2006

Legislator Browning made motion for the following resolution, seconded by Legislator Losquadro. The resolution was passed 16-0-0-2. Deputy Presiding Officer Viloría-Fisher and Legislator Montano were not present.

Intro. Res. No. 2168-2006
Introduced by Legislator Browning

Laid on Table 9/19/2006

RESOLUTION NO. 1129 –2006, DIRECTING THE SUFFOLK COUNTY DEPARTMENT OF HEALTH SERVICES TO CONDUCT AN AIR QUALITY TEST IN THE AREA OF YAPHANK, MANORVILLE AND MORICHES

WHEREAS, compost is the end product of a complex feeding pattern involving hundreds of different organisms, in bacteria, fungi, worms, and insects; and

WHEREAS, residents in the area located near the Long Island Compost Corp. Facility in Yaphank, and other composting sites around Manorville and Moriches have complained of odors and particles that have raised concerns regarding the environmental and health impacts of composting operations; and

WHEREAS, Suffolk County supports the concept of compost sites and their environmental goals but believes they should be sited so the health and quality of life of its citizens is guaranteed; and

WHEREAS, an environmental rating of the air quality of the area surrounding the compost facility in Yaphank would help residents determine whether the health and respiratory issues they are experiencing are related to the operation of the compost facility; now, therefore be it

1st RESOLVED, that the Commissioner of the Suffolk County Department of Health Services is hereby authorized, empowered, and directed to conduct an investigation or study of the air quality surrounding the Long Island Compost Corp Facility in Yaphank, and the surrounding areas of Manorville and Moriches, and to issue an environmental rating of the air quality; and be it further

2nd RESOLVED, that this investigation or study shall be completed within 180 days of the effective date of this Resolution; and be it further

3rd RESOLVED, that a written report of the findings and determinations of this investigation or study shall be made available to the County Executive and each member of the Suffolk County Legislature, with recommendations and/or action to be taken to control or reduce the amount or kind of air contaminant harming the residents of this area; and be it further

4th RESOLVED, that this Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this resolution constitutes a Type II action pursuant to Section 617.5(c)(20), (21) and (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management and information collection, and the Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this resolution.

DATED: October 17, 2006

EFFECTIVE PURSUANT TO SECTION 2-15(F) OF THE SUFFOLK COUNTY CHARTER,

RETURNED BY THE COUNTY EXECUTIVE UNSIGNED NOVEMBER 2, 2006

Legislator Cooper made motion for the following resolution, seconded by Legislator Romaine. The resolution was passed 16-0-0-2. Deputy Presiding Officer Viloría-Fisher and Legislator Montano were not present.

Intro. Res. No. 2149-2006

Laid on Table 9/19/2006

Introduced by Presiding Officer, on request of the County Executive and Legislator Browning

RESOLUTION NO. 1130 -2006, AUTHORIZING ACQUISITION, CONVEYANCE, DEVELOPMENT AND OVERSIGHT OF REAL PROPERTY UNDER SUFFOLK COUNTY AFFORDABLE HOUSING OPPORTUNITIES

PROGRAM (COTTAGES AT MATTITUCK – TOWN OF SOUTHOLD)

WHEREAS, Local Law No. 13-2000 as amended in its entirety by Local Law No. 17-2004, known as Suffolk County Administrative Code (“SCAC”) Article XXXVI, as amended, found and determined that there was a need for the County to aid municipalities in providing affordable housing and established the Suffolk County Affordable Housing Opportunities Program; and

WHEREAS, SCAC § A36-2(C) provides a statutory framework for, and authorizes the acquisition of land to be acquired for its Workforce Housing Program by Suffolk County (the “County”) through the use of capital bond proceeds; and

WHEREAS, the Suffolk County Department of Economic Development and Workforce Housing and the Town of Southold (the “Town”) have identified a site for affordable housing, to be known as Cottages at Mattituck, currently known as Suffolk County Tax Map Lot Number 1000-122.00-02.00-023.001 and which will be superseded by Suffolk County Tax Map Lot Numbers to become effective upon the filing of the Subdivision Map with the Suffolk County Clerk’s Office, (the “Subject Premises”); and

WHEREAS, Resolution No. 687-2006 appropriated the proceeds of \$5,000,000.00 in Suffolk County Serial Bonds for Workforce Housing acquisitions under the Suffolk County Workforce Housing Program subject to further Legislative approval of a resolution authorizing the planning and/or acquisition of specific projects; and

WHEREAS, Resolution No. 114-2006 authorized planning steps for acquisition of the Subject Premises either currently owned, or to be owned, by CDCLI Housing Development Fund Corporation (“CDCLI”) by the time of the conveyance to the County; and

WHEREAS, the Environmental Trust Review Board reviewed the appraisals, reviewed the April 18, 2006 report of the Internal Appraisal Review Board, approved the purchase price and authorized the Director of the Division of Real Property Acquisition and Management to negotiate the acquisition on June 16, 2006; and

WHEREAS, the Town, by its Resolution dated September 5, 2006, has approved a development agreement to be executed by the Town, County and CDCLI (the “Development Agreement”), which incorporates a development plan (the “Development Plan”), each of which is in substantially final form, as attached hereto, detailing the proposed development of 22 units of affordable home ownership housing, which meets the requirements of the Suffolk County Affordable Housing Opportunities Program; and

WHEREAS, pursuant to Resolution 2006-338 dated April 11, 2006, the Town Board issued a negative SEQRA declaration which completed the environmental review; and further the negative declaration issued by the Town Board is binding on the County, as an involved agency, pursuant to Volume 6 of New York Compilation of Codes, Rules and Regulations (NYCRR) § 617.6 (b)(3)(ii) and, therefore, SEQRA is complete; now, therefore be it

1st RESOLVED, that the Suffolk County Legislature, on behalf of the County, hereby finds and determines that the Subject Premises meet the requirements of the Suffolk County Affordable Housing Opportunities Program for its Workforce Housing Program, and the need to fill the critical shortage of affordable housing in the County; and accordingly authorizes the development of this project, to be known as Cottages at Mattituck; and be it further

2nd RESOLVED, that the Development Agreement and the Development Plan are hereby approved in substantially the same form as attached hereto; and be it further

3rd RESOLVED, that the Subject Premises, known as the Cottages at Mattituck, is hereby authorized to be acquired, conveyed, developed, supervised and managed subject to a final survey and/or Subdivision Map, as hereinafter stated; and be it further

4th RESOLVED, that the Subject Premises is hereby approved for acquisition in the Suffolk County Workforce Housing Program pursuant to SCAC § A36-2(C), for a total purchase price of Eight Hundred Ninety Five Thousand and 00/100 Dollars (\$895,000.00), to be purchased from CDCLI subject to a final survey and/or Subdivision Map; and hereby authorizes additional expenses, which shall include but not be limited to the cost of surveys, appraisals, environmental audits, title reports and insurance; and be it further

5th RESOLVED, that the County Controller and County Treasurer are hereby authorized to reserve and to pay Eight Hundred Ninety Five Thousand and 00/100 Dollars (\$895,000.00) subject to a final survey and/or Subdivision Map from previously appropriated funds in Capital Project Nos. 525-CAP-8704.211 for this acquisition; and be it further

6th RESOLVED, that pursuant to General Municipal Law § 72-h, the County is hereby authorized to convey the Subject Premises to the Town and as consideration, is taking back a blanket mortgage and note from the Town in the amount of Eight Hundred Ninety Five Thousand and 00/100 Dollars (\$895,000.00) on the Subject Premises, in order to secure the County's interest; and be it further

7th RESOLVED, that the County hereby sanctions the conveyance of the Subject Premises from the Town to CDCLI; and be it further

8th RESOLVED, that pursuant to Suffolk County Charter §§ C35-2(V) and (Y), and SCAC § A36-2(C) the Department of Economic Development and Workforce Housing and its Commissioner, and the Division of Affordable Housing and its Director of Affordable Housing is hereby authorized to acquire and convey the Subject Premises, as necessary, and the same are hereby further authorized, empowered and directed to take such other actions, enter into such other agreements, to pay such additional expenses as may be necessary and appropriate to accomplish the aforesated authorizations and duties, and execute such other documents as are required to effectuate this overall affordable housing project and transaction; and be it further

9th RESOLVED, that the Director of the Division of Real Property Acquisition and Management or his or her designee, pursuant to Suffolk County Charter § C42-2(C)(3)(d) is hereby authorized and empowered, and her actions are hereby ratified and adopted, to negotiate the purchase price for the initial acquisition from CDCLI to the County, and further to provide whatever additional support is requested by the Department of Economic Development and Workforce Housing and its Division of Affordable Housing, and by the County Attorney pursuant to Suffolk County Charter §C16-2 and the Department of Public Works pursuant to Suffolk County Charter § C8-2(W); and be it further

10th RESOLVED, that the County Executive, the County Attorney, the Commissioner of the Department of Economic Development and Workforce Housing and the Director of Affordable Housing are hereby authorized, respectively, to execute any and all documents necessary and/or desired to effectuate the purpose and intent of this affordable housing project and resolution; and be it further

11th RESOLVED, pursuant to Resolution No. 2006-338 dated April 11, 2006, the Town Board issued a negative SEQRA declaration which completed the environmental review; and further the negative declaration issued by the Town Board is binding on the County, as an involved agency, pursuant to Volume 6 of New York Compilation of Codes, Rules and Regulations (NYCRR) § 617.6 (b)(3)(ii) and, therefore, SEQRA is complete.

DATED: October 17, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: November 2, 2006

Legislator Cooper made motion for the following resolution, seconded by Presiding Officer Lindsay. The resolution was passed 17-0-0-1. Deputy Presiding Officer Viloria-Fisher was not present.

BOND RESOLUTION NO. 1131 -2006

BOND RESOLUTION OF THE COUNTY OF SUFFOLK, NEW YORK, AUTHORIZING THE ISSUANCE OF \$150,000 BONDS TO FINANCE THE COST OF THE PURCHASE OF DIGITAL PHOTOGRAPHY EQUIPMENT (CP 3504.510)

THE COUNTY LEGISLATURE OF THE COUNTY OF SUFFOLK, NEW YORK, HEREBY RESOLVES (by the favorable vote of not less than two-thirds of all the members of said County Legislature) AS FOLLOWS:

Section 1. The County of Suffolk, New York (herein called the "County"), is hereby authorized to issue bonds in the principal amount of \$150,000 pursuant to the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (referred to herein as the "Law"), the Suffolk County Charter and other applicable laws, to finance the cost of the purchase of digital photography equipment, as authorized in the 2006 Capital Budget and Program, as amended. The estimated maximum cost of the project described herein, including preliminary costs and costs incidental thereto and the financing thereof, is \$150,000. The plan of financing includes the issuance of \$150,000 bonds or bond anticipation notes authorized pursuant to this resolution and the levy and collection of taxes on all the taxable real property in the County to pay the principal of said bonds or notes and the interest thereon as the same shall become due and payable.

Section 2. The period of probable usefulness applicable to the object or purpose for which said bonds are authorized to be issued, within the limitations of Section 11.00 a. 32 of the Law, is five (5) years.

Section 3. The proceeds of the bonds herein authorized, and any bond anticipation notes issued in anticipation of said bonds, may be applied to reimburse the County for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized, or for such expenditures made on or prior to the effective date if a prior statement of intent to issue bonds has been made. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

Section 4. Each of the bonds authorized by this resolution, and any bond anticipation notes issued in anticipation of the sale of said bonds, shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds, and any notes issued in anticipation of said bonds, shall be general obligations of the County, payable as to both principal and interest by a general tax upon all the taxable real property within the County without limitation as to rate or amount. The faith and credit of the County are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds, and any notes issued in anticipation of the sale of said bonds, and provision shall be made annually in the budget of the County by appropriation for (a) the amortization and redemption of the bonds and

any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Resolution No. 320 of 1966, as amended by Resolution No. 81 of 1972, and Section 21.00 of the Law relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and Section 50.00 and Sections 56.00 to 60.00 and 168.00 of the Law, the powers and duties of the County Legislature relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, and relative to executing contracts for credit enhancements and providing for substantially level or declining annual debt service, are hereby delegated to the County Comptroller, the chief fiscal officer of the County.

Section 6. The validity of the bonds authorized by this resolution, and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the County is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such resolution, or a summary thereof, are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- (c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This bond resolution shall take effect immediately upon approval by the County Executive, and the Clerk of the Legislature is hereby authorized and directed to publish the foregoing resolution, in summary or in full, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in the official newspaper(s) of the County.

DATED: October 17, 2006

APPROVED BY:

/s/ Paul Sabatino II
Chief Deputy County Executive of Suffolk County

Date: October 25, 2006

Legislator Cooper made motion for the following resolution, seconded by Presiding Officer Lindsay. The resolution was passed 17-0-0-1. Deputy Presiding Officer Viloría-Fisher was not present.

Intro. Res. No. 2131-2006

Laid on Table 9/19/2006

Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 1132 -2006, AMENDING THE 2006 CAPITAL BUDGET AND PROGRAM AND APPROPRIATING FUNDS IN CONNECTION WITH THE PURCHASE OF DIGITAL PHOTOGRAPHY EQUIPMENT (C.P. 3504)

WHEREAS, the Police Commissioner has requested funds for the replacement of the obsolete AGFA photographic printer; and

WHEREAS, funds are not included in the 2006 Adopted Capital Budget and Program to cover said additional costs, and pursuant to Suffolk County Charter Section C 4-13 an offsetting authorization must be provided from another capital project; and

WHEREAS, pursuant to Introductory Resolution No. 1647-2006, the application of the 5-25-5 law has been waived during fiscal year 2006; and

WHEREAS, Resolution No. 471-1994, as revised by Resolution No. 571-1998 and reaffirmed by Resolution No. 209-2000, has established a priority ranking system, implemented in the 2006 Adopted Capital Budget, as the basis for funding capital projects such as this project; and

WHEREAS, the County Legislature, by resolution of even date herewith, has authorized the issuance of \$150,000 in Suffolk County Serial Bonds; now, therefore be it

1st RESOLVED, that it is determined that this program with a priority ranking of sixty-one (61) is eligible for approval in accordance with the provisions of Resolution No. 471-1994, as revised by Resolution No. 571-1998 and reaffirmed by Resolution No. 209-2000; and be it further

2nd RESOLVED, that the 2006 Capital Budget and Program is hereby amended as follows:

Project No.: 3184
Project Title: Renovations, Construction and Additions to Police Precinct Buildings

	Current 2006	Revised 2006
Total Est'd. <u>Cost</u>	Capital Budget & <u>Program</u>	Capital Budget & <u>Program</u>

1. Planning Design & Supervision	\$600,000	\$600,000B	\$450,000B
TOTAL	\$600,000	\$600,000B	\$450,000

Project No.: 3504
Project Title: Purchase of Digital Photography Equipment

	<u>Total Est'd. Cost</u>	<u>Current 2006 Capital Budget & Program</u>	<u>Revised 2006 Capital Budget & Program</u>
3. Construction	\$150,000	\$ 0	\$150,000B
TOTAL	\$150,000	\$ 0	\$150,000

and be it further

3rd RESOLVED, that this Legislature, being the lead agency under the State Environmental Quality Review Act ("SEQRA"), Environmental Conservation Law Article 8, hereby finds and determines that this law constitutes a Type II action, pursuant to Section 671.5(c) (20), (25) and (27) of Title 6 of New York Code of Rules and Regulations ("NYCRR"), in that the resolution concerns purchasing of furnishings, equipment and supplies, other than land, radioactive material, pesticides, herbicides or other hazardous materials, and adoption of a local legislative decision in connection with the same, and the Legislature has no further responsibilities under SEQRA; and be it further

4th RESOLVED, that the proceeds of \$150,000 in Suffolk County Serial Bonds be and they are hereby appropriated as follows:

<u>Project No.</u>	<u>JC</u>	<u>Project Title</u>	<u>Amount</u>
525-CAP-3504.510 (Fund 001 – Debt Service)	28	Purchase of Digital Photography Equipment	\$150,000

DATED: October 17, 2006

APPROVED BY:

/s/ Paul Sabatino II
Chief Deputy County Executive of Suffolk County

Date: October 25, 2006

Legislator Cooper made motion for the following resolution, seconded by Legislator Losquadro. The resolution was passed 17-0-0-1. Deputy Presiding Officer Vilorio-Fisher was not present.

Intro. Res. No. 2132A-2006

BOND RESOLUTION NO. 1133 -2006

BOND RESOLUTION OF THE COUNTY OF SUFFOLK, NEW YORK, AUTHORIZING THE ISSUANCE OF \$170,000 BONDS TO FINANCE THE COST OF INSTALLATION OF EMERGENCY SYSTEMS FOR MAJOR COUNTY OWNED BUILDINGS/NYS FIRE STANDARDS (CP 1710.318)

THE COUNTY LEGISLATURE OF THE COUNTY OF SUFFOLK, NEW YORK, HEREBY RESOLVES (by the favorable vote of not less than two-thirds of all the members of said County Legislature) AS FOLLOWS:

Section 1. The County of Suffolk, New York (herein called the "County"), is hereby authorized to issue bonds in the principal amount of \$170,000 pursuant to the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (referred to herein as the "Law"), the Suffolk County Charter and other applicable laws, to finance the cost of installation of emergency systems for major County owned buildings/NYS Fire Standards, as authorized in the 2006 Capital Budget and Program, as amended. The estimated maximum cost of the project described herein, including preliminary costs and costs incidental thereto and the financing thereof, is \$170,000. The plan of financing includes the issuance of \$170,000 bonds or bond anticipation notes authorized pursuant to this resolution and the levy and collection of taxes on all the taxable real property in the County to pay the principal of said bonds or notes and the interest thereon as the same shall become due and payable.

Section 2. The period of probable usefulness applicable to the object or purpose for which said bonds are authorized to be issued, within the limitations of Section 11.00 a. 56 of the Law, is ten (10) years.

Section 3. The proceeds of the bonds herein authorized, and any bond anticipation notes issued in anticipation of said bonds, may be applied to reimburse the County for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized, or for such expenditures made on or prior to the effective date if a prior statement of intent to issue bonds has been made. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

Section 4. Each of the bonds authorized by this resolution, and any bond anticipation notes issued in anticipation of the sale of said bonds, shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds, and any notes issued in anticipation of said bonds, shall be general obligations of the County, payable as to both principal and interest by a general tax upon all the taxable real property within the County without limitation as to rate or amount. The faith and credit of the County are hereby irrevocably

pledged to the punctual payment of the principal of and interest on said bonds, and any notes issued in anticipation of the sale of said bonds, and provision shall be made annually in the budget of the County by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Resolution No. 320 of 1966, as amended by Resolution No. 81 of 1972, and Section 21.00 of the Law relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and Section 50.00 and Sections 56.00 to 60.00 and 168.00 of the Law, the powers and duties of the County Legislature relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, and relative to executing contracts for credit enhancements and providing for substantially level or declining annual debt service, are hereby delegated to the County Comptroller, the chief fiscal officer of the County.

Section 6. The validity of the bonds authorized by this resolution, and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the County is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such resolution, or a summary thereof, are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- (c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This bond resolution shall take effect immediately upon approval by the County Executive, and the Clerk of the Legislature is hereby authorized and directed to publish the foregoing resolution, in summary or in full, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in the official newspaper(s) of the County.

DATED: October 17, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: October 20, 2006

Legislator Cooper made motion for the following resolution, seconded by Legislator Losquadro. The resolution was passed 17-0-0-1. Deputy Presiding Officer Viloria-Fisher was not present.

Intro. Res. No. 2132-2006 Laid on Table 9/19/2006
Introduced by Presiding Officer, on the request of the County Executive

**RESOLUTION NO. 1134 -2006, APPROPRIATING FUNDS
IN CONNECTION WITH THE INSTALLATION OF EMERGENCY
SYSTEMS FOR MAJOR COUNTY OWNED BUILDINGS/NYS
FIRE STANDARDS (CAPITAL PROGRAM NUMBER 1710)**

WHEREAS, the Commissioner of Public Works has requested funds for the Installation of Emergency Systems for Major Owned County Buildings/NYS Fire Standards; and

WHEREAS, there are sufficient funds within the 2006 Capital Budget and Program to cover the cost of said request; and

WHEREAS, Resolution No. 471-1994 as revised by Resolution No. 571-1998 and as reaffirmed by Resolution No. 209-2000 has established a priority ranking system as the basis for funding Capital Projects such as this project; and

WHEREAS, the County Legislature, by resolution of even date herewith, has authorized the issuance of \$170,000 in Suffolk County Serial Bonds; now, therefore be it

1st RESOLVED, pursuant to the State Environmental Quality Review Act Environmental Conservation Law Article 8 (hereinafter "SEQRA"), Resolution No. 254-2005 classified the action contemplated by this as a Type II action; and be it further

2nd RESOLVED, that it is hereby determined that this project, with a priority ranking of sixty-five (65) is eligible for approval in accordance with the provisions of Resolution No. 471-1994 as revised by Resolution No. 571-1998 and as reaffirmed by Resolution No. 209-2000; and be it further

3rd RESOLVED, that the County Department of Public Works is hereby authorized, empowered and directed to take such action as may be necessary, pursuant to Section C8-2 (X) of the Suffolk County Charter to complete this project; and be it further

4th RESOLVED, that the proceeds of \$170,000 in Suffolk County Serial Bonds be and they are hereby appropriated as follows:

<u>Project No.</u>	<u>J.C.</u>	<u>Project Title</u>	<u>Amount</u>
525-CAP -1710.318 (Fund 001- Debt Service)	20	Construction For The Installation Of Emergency Systems For Major County Owned Buildings/NYS Fire Standards	\$170,000

DATED: October 17, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: October 20, 2006

Legislator Cooper made motion for the following resolution, seconded by Legislator D'Amaro. The resolution was passed 17-0-0-1. Deputy Presiding Officer Vilorio-Fisher was not present.

Intro. Res. No. 2133A-2006

BOND RESOLUTION NO. 1135 -2006

BOND RESOLUTION OF THE COUNTY OF SUFFOLK, NEW YORK, AUTHORIZING THE ISSUANCE OF \$150,000 BONDS TO FINANCE THE COST OF EQUIPMENT FOR ASSESSMENT OF INFORMATION SYSTEM AND EQUIPMENT FOR PUBLIC WORKS (CP 5060.519)

THE COUNTY LEGISLATURE OF THE COUNTY OF SUFFOLK, NEW YORK, HEREBY RESOLVES (by the favorable vote of not less than two-thirds of all the members of said County Legislature) AS FOLLOWS:

Section 1. The County of Suffolk, New York (herein called the "County"), is hereby authorized to issue bonds in the principal amount of \$150,000 pursuant to the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (referred to herein as the "Law"), the Suffolk County Charter and other applicable laws, to finance the cost of equipment for assessment of information system and equipment for Public Works, as authorized in the 2006 Capital Budget and Program, as amended. The estimated maximum cost of the project described herein, including preliminary costs and costs incidental thereto and the financing thereof, is \$150,000. The plan of financing includes the issuance of \$150,000 bonds or bond anticipation notes authorized pursuant to this resolution and the levy and collection of taxes on all the taxable real property in the County to pay the principal of said bonds or notes and the interest thereon as the same shall become due and payable.

Section 2. The period of probable usefulness applicable to the object or purpose for which said bonds are authorized to be issued, within the limitations of Section 11.00 a. 32 of the Law, is five (5) years.

Section 3. The proceeds of the bonds herein authorized, and any bond anticipation notes issued in anticipation of said bonds, may be applied to reimburse the County for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized, or for such expenditures made on or prior to the effective date if a prior

statement of intent to issue bonds has been made. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

Section 4. Each of the bonds authorized by this resolution, and any bond anticipation notes issued in anticipation of the sale of said bonds, shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds, and any notes issued in anticipation of said bonds, shall be general obligations of the County, payable as to both principal and interest by a general tax upon all the taxable real property within the County without limitation as to rate or amount. The faith and credit of the County are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds, and any notes issued in anticipation of the sale of said bonds, and provision shall be made annually in the budget of the County by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Resolution No. 320 of 1966, as amended by Resolution No. 81 of 1972, and Section 21.00 of the Law relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and Section 50.00 and Sections 56.00 to 60.00 and 168.00 of the Law, the powers and duties of the County Legislature relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, and relative to executing contracts for credit enhancements and providing for substantially level or declining annual debt service, are hereby delegated to the County Comptroller, the chief fiscal officer of the County.

Section 6. The validity of the bonds authorized by this resolution, and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the County is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such resolution, or a summary thereof, are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- (c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This bond resolution shall take effect immediately upon approval by the County Executive, and the Clerk of the Legislature is hereby authorized and directed to publish the foregoing resolution, in summary or in full, together with a Notice attached in

substantially the form prescribed by Section 81.00 of the Law in the official newspaper(s) of the County.

DATED: October 17, 2006

APPROVED BY:

/s/ Paul Sabatino II
Chief Deputy County Executive of Suffolk County

Date: October 20, 2006

Legislator Cooper made motion for the following resolution, seconded by Legislator D’Amaro. The resolution was passed 17-0-0-1. Deputy Presiding Officer Vilorio-Fisher was not present.

Intro. Res. No. 2133-2006

Laid on Table 9/19/2006

Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 1136 -2006, AMENDING THE 2006 CAPITAL BUDGET AND PROGRAM AND APPROPRIATING FUNDS IN CONNECTION WITH ASSESSMENT OF INFORMATION SYSTEM AND EQUIPMENT FOR PUBLIC WORKS (CAPITAL PROGRAM NUMBER 5060)

WHEREAS, the Commissioner of Public Works has requested funds for equipment for Assessment of Information System and Equipment; and

WHEREAS, sufficient funds are not included in the 2006 Capital Budget and Program to cover the cost of said request under Capital Project 5060; and

WHEREAS, Resolution No. 471-1994 as revised by Resolution No. 571-1998 and reaffirmed by Resolution No. 209-2000, established the use of a priority ranking system, implemented in the Adopted 2006 Capital Budget, as the basis for funding Capital Projects such as this project; and

WHEREAS, all conditions precedent to the financing of the capital project hereinafter described, including compliance with the provisions of the State Environmental Quality Review Act have been performed; and

WHEREAS, the County Legislature, by resolution of even date herewith, has authorized the issuance of \$150,000 in Suffolk County Serial Bonds; now, therefore be it

1st RESOLVED, that this Legislature, being the lead agency under the State Environmental Quality Review Act (“SEQRA”), Environmental Conservation Law Article 8, hereby finds and determines that this law constitutes a Type II action, pursuant to Section 617.5 (25) (C) (2), (11), (20), (21) and (27) of Title 6 of New York Code of Rules and Regulations (“NYCRR”), in that the resolution concerns purchasing of furnishings, equipment and supplies, other than land, radioactive material, pesticides, herbicides or other hazardous materials, and

adoption of a local legislative decision in connection with the same; and the Legislature has no further responsibilities under SEQRA; and be it further

2nd RESOLVED, that it is hereby determined that this project, with a priority ranking of fifty-two (52) is eligible for approval in accordance with the provisions of Resolution No. 471-1994 as revised by Resolution No. 571-1998 and reaffirmed by Resolution No. 209-2000; and be it further

3rd RESOLVED, that the County Department of Public Works is hereby authorized, empowered and directed to take such action as may be necessary, pursuant to Section C8-2 (X) of the Suffolk County Charter; and be it further

4th RESOLVED, that the 2006 Capital Budget and Program be and they are hereby amended as follows:

Project No.: Assessment of Information System and Equipment for Public Works
 Project Title: 5060

	<u>Total Est'd Cost</u>	<u>Current 2006 Capital Budget & Program</u>	<u>Revised 2006 Capital Budget & Program</u>
1. Planning	\$1,715,000	\$265,000	\$110,000
5. Furniture & Equipment	<u>\$485,000</u>	<u>\$ 0</u>	<u>\$150,000</u>
TOTAL	\$2,050,000	\$265,000	\$265,000

and be it further

5th RESOLVED, that the proceeds of \$150,000 in Suffolk County Serial Bonds be and they are hereby appropriated as follows:

<u>Project No.</u>	<u>J.C.</u>	<u>Project Title</u>	<u>Amount</u>
525-CAP 5060.519 (Fund 001 - Debt Service)	50	Assessment of Information System and Equipment for Public Works	\$150,000

DATED: October 17, 2006

APPROVED BY:

/s/ Steve Levy
 County Executive of Suffolk County

Date: October 20, 2006

Legislator Romaine made motion for the following resolution, seconded by Legislator D'Amaro. The resolution was passed 17-0-0-1. Deputy Presiding Officer Vilorio-Fisher was not present.

Intro. Res. No. 2122-2006
Introduced by Legislator Romaine

Laid on Table 9/19/2006

RESOLUTION NO. 1137 -2006, AUTHORIZING THE RECONVEYANCE OF COUNTY-OWNED REAL ESTATE PURSUANT TO SECTION 215, NEW YORK STATE COUNTY LAW TO FLORA VOGEL

WHEREAS, the County of Suffolk is the fee owner of the following described parcel:

ALL that certain plot, piece or parcel of land with any buildings and improvements thereon erected, situate, lying and being in the Incorporated Village of Greenport, Town of Southampton, County of Suffolk, State of New York, described on the Tax Map of the Suffolk County Real Property Service Agency as District 1001, Section 006.00, Block 01.00, Lot 009.000, and acquired by tax deed on September 3, 2003, from John C. Cochrane, the County Treasurer of Suffolk County, New York, and recorded on September 3, 2003, in Liber 12270, at Page 64, and otherwise known as and by Town of Southampton, now or formerly bounded northerly by Stephen Shybunko and David Ngai, now or formerly easterly by North Fork Housing Alliance, now or formerly westerly by Geoffrey B. Miles and south by Wiggins Street.

and

WHEREAS, Flora Vogel was the former owner of said real property; and

WHEREAS, the time for redemption of this real property under Local Law No. 16-1976 has expired; and

WHEREAS, an investigation by Legislator Romaine's Office has determined that said non-payment of taxes on the part of Ms. Vogel was not an intentional act but was due to circumstances beyond her control, more fully described in the documents attached hereto; and

WHEREAS, it would be in the best interest of the County of Suffolk to return said parcel to the tax rolls; and

WHEREAS, the above described parcel has been appraised by the County Department of Environment and Energy, Division of Real Property Acquisition and Management, at Two Hundred Fifty Five Thousand Dollars (\$255,000.00); and

WHEREAS, the Director of the Division of Real Property Acquisition and Management, or his or her deputy, will receive and deposit the sum of Eighty Two Thousand Seven Hundred Sixty Eight Dollars and 40/100 (\$82,768.40) together with any and all other charges that may be due and owing to the County of Suffolk as of the actual date of closing, as full payment of all amounts due and owing to the County of Suffolk; now, therefore be it

RESOLVED, that the Director of the Division of Real Property Acquisition and Management, or his or her deputy, is hereby authorized to execute, acknowledge, and deliver a quitclaim deed to:

Flora Vogel
506 Wiggins Street
Greenport, NY 11944

upon receipt of the above-described moneys, to convey the interest of the County of Suffolk in the above-described real estate.

DATED: October 17, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: November 2, 2006

Legislator Montano made motion for the following resolution, seconded by Legislator Cooper. The resolution was passed 17-0-0-1. Deputy Presiding Officer Viloria-Fisher was not present.

Intro Res. No.2130-2006

Laid on Table 9/19/2006

Introduced by Presiding Officer, on request of the County Executive and Legislator Montano

RESOLUTION NO. 1138 –2006, AUTHORIZING THE CONVEYANCE OF COUNTY-OWNED REAL PROPERTY THAT ARE PUBLIC HIGHWAYS KNOWN AND DESIGNATED AS COURTHOUSE DRIVE FROM CARLETON AVENUE TO BELT DRIVE EAST, TOWN OF ISLIP AND BELT DRIVE EAST FROM THE VICINITY OF THE COHALAN COURT COMPLEX TO LOWELL AVENUE, TOWN OF ISLIP, FOR PUBLIC HIGHWAY PURPOSES PURSUANT TO SECTION 72-H OF THE GENERAL MUNICIPAL LAW

WHEREAS, the County of Suffolk is the fee owner of a certain parcel of real property that are public highways known and designated as Courthouse Drive from Carleton Avenue to Belt Drive East and Belt Drive East from the vicinity of the Cohalan Court Complex to Lowell Avenue, and are situated within the geographical boundaries of the Town of Islip, Suffolk County, New York; and

WHEREAS, said parcels are surplus to the needs of the County of Suffolk; and

WHEREAS, on or about February 7, 2000, an Agreement was entered into between the Town of Islip and the County of Suffolk (Exhibit "1") that *inter alia*, stated:

“FIRST: Dedication and Maintenance: The Town accepts the dedication and maintenance of Courthouse Drive from Carleton Avenue to Belt Drive East and the Dedication of Belt Drive East from the vicinity of the Cohalan Court Complex to Lowell Avenue and agrees to maintain said road from Spur Drive North to Lowell Avenue.”;

and

WHEREAS, although the Town of Islip has been maintaining said public highways, said public highways have never been conveyed to the Town of Islip by the County of Suffolk; and

WHEREAS, Section 72-h of the General Municipal Law permits the sale of real property between Municipal Corporations, or between a Municipal Corporation and the State of New York or the United States of America; and

WHEREAS, the Town of Islip, Suffolk County, New York, has requested that the County of Suffolk convey the above-described parcel to it (see annexed Resolution hereto marked as Exhibit “2”); and

WHEREAS, the Town Board of the Town of Islip, Suffolk County, New York, is interested in acquiring said public highways for the Municipal Purpose of constructing, maintaining, and/or improving roadways and highways for a consideration not to exceed Ten & 00/100 (\$10.00) Dollars plus pro-rata taxes at the time of the closing; and

WHEREAS, the Town Board of the Township of Islip, Suffolk County, New York, is aware that the subject premises shall be conveyed subject to the following restrictive covenants that will run with the land so conveyed:

1. That the Grantee or any subsequent grantee shall not bill or charge back to the Grantor any cost incurred or projected to be incurred for the cleanup, removal, and disposal of all debris, waste, and/or contamination in or on the subject premises;
2. That the Grantee shall not sell, convey, transfer, or otherwise dispose of the subject premises;
3. That said parcel shall only be used for public highway purposes and all related uses incidental thereto, including but not limited to the grant of non-exclusive easements for utilities and drainage systems; AND

WHEREAS, the Town Board of the Township of Islip, Suffolk County, is aware that the restrictive covenants described above will run with the land and shall bind the heirs, successors, and assigns of the Town of Islip, and in the event of any violation of the restrictive covenants stated above, the Deed conveying said parcel shall be void ab initio and title to the realty shall revert to the County of Suffolk; and

WHEREAS, the Suffolk County Department of Public Works has determined that it would be in the best interest in the County of Suffolk to convey said parcel(s) to the Town of

Islip for the total sum of One & 00/100 (\$1.00) Dollar (to be waived) plus the pro-rata share of the current tax adjustments due at closing; and

WHEREAS, the Suffolk County Department of Public Works has approved the use of this parcel for the purposes stated above; and

WHEREAS, the Suffolk County Department of Public Works, will receive and deposit the sum of One & 00/100 (\$1.00) Dollar (to be waived), plus the pro-rata share of the current tax adjustments pursuant to said purchase offer; now, therefore be it

1st **RESOLVED**, that this Legislature, being the State Environmental Quality Review Act (SEQRA) Lead Agency hereby finds and determines that the adoption of this law is not an action within the meaning of the State Environmental Quality Review Act and the regulations adopted thereto (NYCRR Section 617.2(b)(2)). The Legislature finds and determines that even if the adoption of the local law is an action within the meaning of SEQRA, the adoption of the law is a Type II Action, constituting a Legislative decision in connection with routine or continuing agency administration and management, not including new programs or a major re-ordering of priorities (NYCRR Section 617.13(d)(15),(21)). As a Type II Action, the Legislature has no further responsibilities under SEQRA (6 NYCRR Section 617.5(a)(1)); and be it further

2nd **RESOLVED**, said parcel is surplus to the needs of the County of Suffolk; and be it further

3rd **RESOLVED**, that this purchase is authorized pursuant to Section 72-h of the General Municipal Law permitting a sale of real property between Municipal Corporations, or between a Municipal Corporation and the State of New York or the United States of America; and be it further

4th **RESOLVED**, the subject premises shall be conveyed to the Town of Islip, Suffolk County, New York subject to the following restrictive covenants that will run with the land so conveyed:

1. That the Grantee or any subsequent grantee shall not bill or charge back to the Grantor any cost incurred or projected to be incurred for the cleanup, removal, and disposal of all debris, waste, and/or contamination in or on the subject premises;
2. That the Grantee shall not sell, convey, transfer, or otherwise dispose of the subject premises;
3. That said parcel shall only be used for public highway purposes and all related uses incidental thereto, including but not limited to the grant of non-exclusive easements for utilities and drainage systems;

and be it further

5th **RESOLVED**, that the restrictive covenants described immediately above will run with the land and shall bind the heirs, successors, and assigns of the Town of Islip, and in the event of any violation of the restrictive covenants stated above, the Deed conveying said parcel shall be void ab initio and title to the realty shall revert to the County of Suffolk; and be it further

6th **RESOLVED**, that the Suffolk County Department of Public Works is directed to convey said parcel(s) to the Town of Islip for the total sum of One & 00/100 (\$1.00) Dollar (to be waived) plus the pro-rata share of the current tax adjustments due at closing; and be it further

7th **RESOLVED**, that the Suffolk County Department of Public Works, will receive and deposit the sum of One & 00/100 (\$1.00) Dollar (to be waived), plus the pro-rata share of the current tax adjustments pursuant to said purchase offer; and be it further

8th **RESOLVED**, that the Commissioner of the Suffolk County Department of Public Works, or his Deputy, be and hereby is authorized to execute and acknowledge a quitclaim deed to transfer the interest of Suffolk County in the above-described property and upon the above-described terms and conditions to said Municipality.

DATED: October 17, 2006

APPROVED BY:

/s/ Paul Sabatino II
Chief Deputy County Executive of Suffolk County

Date: October 19, 2006

Legislator Eddington made motion for the following resolution, seconded by Presiding Officer Lindsay. The resolution was passed 17-0-0-1. Deputy Presiding Officer Viloria-Fisher was not present.

Intro. Res. No. 2166-2006
Introduced by Legislator Eddington

Laid on Table 9/19/2006

RESOLUTION NO. 1139 -2006, AUTHORIZING WAIVER OF INTEREST AND PENALTIES FOR PROPERTY TAX FOR ROBERT CONTENTO (SCTM NO. 0200-543.10-01.00-008.000)

WHEREAS, Robert Contento is the owner of a parcel of real property located at 8 Cranberry Circle, Medford, NY bearing Suffolk County Tax Map (SCTM) No. 0200-543.10-01.00-008.000; and

WHEREAS, the Town of Brookhaven has documented that their records reflected an incorrect mailing address for the 2005-2006 property tax bill, which resulted in the late payment of their property taxes; and

WHEREAS, pursuant to Section 30 of the SUFFOLK COUNTY TAX ACT, this Legislature may waive penalties and interest for the late payment of taxes under these circumstances; now, therefore be it

1st **RESOLVED**, that this Legislature hereby authorizes the Suffolk County Treasurer, pursuant to Section 30 of the SUFFOLK COUNTY TAX ACT, to accept the amount of \$6,588.45 in full payment of taxes for the 2005-2006 tax year from the property owner without

payment of the interest charges and penalty charges in the amount of \$813.67 for a parcel in 8 Cranberry Circle, Medford, NY bearing SCTM No. 0200-543.10-01.00-008.000:

<u>Tax Year:</u>	<u>Taxes:</u>	<u>Penalty and Interest To Be Waived:</u>
2005-2006	\$6,588.45	\$813.67

and be it further

2nd RESOLVED, that this Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this resolution constitutes a Type II action pursuant to Section 617.5(c)(20), (21), and (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management and information collection, and the Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this resolution.

DATED: October 17, 2006

APPROVED BY:

/s/ Paul Sabatino II
Chief Deputy County Executive of Suffolk County

Date: October 19, 2006

Legislator Kennedy made motion for the following resolution, seconded by Legislator Barraga. The resolution was passed 17-0-0-1. Deputy Presiding Officer Vilorina-Fisher was not present.

Intro. Res. No. 2182A-2006

BOND RESOLUTION NO. 1140 -2006

BOND RESOLUTION OF THE COUNTY OF SUFFOLK, NEW YORK, AUTHORIZING THE ISSUANCE OF \$225,000 BONDS TO FINANCE THE COST OF REPLACEMENT OF KODAK SCANNERS (CP 1707.510)

THE COUNTY LEGISLATURE OF THE COUNTY OF SUFFOLK, NEW YORK, HEREBY RESOLVES (by the favorable vote of not less than two-thirds of all the members of said County Legislature) AS FOLLOWS:

Section 1. The County of Suffolk, New York (herein called the "County"), is hereby authorized to issue bonds in the principal amount of \$225,000 pursuant to the Local

Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (referred to herein as the "Law"), the Suffolk County Charter and other applicable laws, to finance the cost of replacement of Kodak scanners, as authorized in the 2006 Capital Budget and Program, as amended. The estimated maximum cost of the project described herein, including preliminary costs and costs incidental thereto and the financing thereof, is \$225,000. The plan of financing includes the issuance of \$225,000 bonds or bond anticipation notes authorized pursuant to this resolution and the levy and collection of taxes on all the taxable real property in the County to pay the principal of said bonds or notes and the interest thereon as the same shall become due and payable.

Section 2. The period of probable usefulness applicable to the object or purpose for which said bonds are authorized to be issued, within the limitations of Section 11.00 a. 32 of the Law, is five (5) years.

Section 3. The proceeds of the bonds herein authorized, and any bond anticipation notes issued in anticipation of said bonds, may be applied to reimburse the County for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized, or for such expenditures made on or prior to the effective date if a prior statement of intent to issue bonds has been made. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

Section 4. Each of the bonds authorized by this resolution, and any bond anticipation notes issued in anticipation of the sale of said bonds, shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds, and any notes issued in anticipation of said bonds, shall be general obligations of the County, payable as to both principal and interest by a general tax upon all the taxable real property within the County without limitation as to rate or amount. The faith and credit of the County are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds, and any notes issued in anticipation of the sale of said bonds, and provision shall be made annually in the budget of the County by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Resolution No. 320 of 1966, as amended by Resolution No. 81 of 1972, and Section 21.00 of the Law relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and Section 50.00 and Sections 56.00 to 60.00 and 168.00 of the Law, the powers and duties of the County Legislature relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, and relative to executing contracts for credit enhancements and providing for substantially level or declining annual debt service, are hereby delegated to the County Comptroller, the chief fiscal officer of the County.

Section 6. The validity of the bonds authorized by this resolution, and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the County is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such resolution, or a summary thereof, are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- (c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This bond resolution shall take effect immediately upon approval by the County Executive, and the Clerk of the Legislature is hereby authorized and directed to publish the foregoing resolution, in summary or in full, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in the official newspaper(s) of the County.

DATED: October 17, 2006

APPROVED BY:

/s/ Paul Sabatino II
Chief Deputy County Executive of Suffolk County

Date: October 20, 2006

Legislator Kennedy made motion for the following resolution, seconded by Legislator Barraga. The resolution was passed 17-0-0-1. Deputy Presiding Officer Vilorio-Fisher was not present.

Intro. Res. No. 2182-2006
Introduced by Presiding Officer, on request of County Executive

Laid on Table 9/19/2006

RESOLUTION NO. 1141 -2006, AMENDING THE 2006 CAPITAL BUDGET AND PROGRAM AND APPROPRIATING FUNDS IN CONNECTION WITH THE REPLACEMENT OF KODAK SCANNERS (CP 1707.510)

WHEREAS, the County Clerk has requested funds that have been provided in the Capital Program to replace the existing Kodak scanners that have exceeded their useful life; and

WHEREAS, this project has been approved by the Information Steering Committee; and

WHEREAS, there are sufficient funds within the 2006 Capital Budget and Program to cover the cost of said request; and

WHEREAS, pursuant to Resolution No. 675-2006, the application of the 5-25-5 Law has been waived during fiscal year 2006, this resolution requests the method of financing be changed for this project; and

WHEREAS, this resolution constitutes an amendment to change the method of financing thereby requiring three-fourths vote of the full membership of the County Legislature, rather than an offset, under Section C4-13 of the Suffolk County Charter; and

WHEREAS, Resolution No. 471-1994 as revised by Resolution No. 571-1998 and reaffirmed by Resolution No. 209-2000, established the used of a priority ranking system, implemented in the Adopted 2006 Capital Budget, as the basis for funding Capital Projects such as this project; and

WHEREAS, the County Legislature by resolution of even date herewith, has authorized the issuance of \$225,000 in Suffolk County Serial Bonds; now, therefore be it

1st RESOLVED, that this Legislature, being the lead agency under the State Environmental Quality Review Act ("SEQRA"), Environmental Conservation Law Article 8, hereby finds and determines that this law constitutes a Type II Action, pursuant to Volume 6 of New York Code of Rules and Regulations ("NYCRR"), the Legislature has no further responsibilities under SEQRA; and be it further

2nd RESOLVED, that it is hereby determined that this project, with a priority ranking of forty-seven (47) is eligible for approval in accordance with the provisions of Resolution No. 471-1994 as revised by Resolution No. 571-1998 and reaffirmed by Resolution No. 209-2000; and be it further

3rd RESOLVED, that the 2006 Capital Budget and Program be and they are hereby amended as follows:

Project No. 1707
Project Title: Replacement of Kodak Scanners

	Total Est'd <u>Cost</u>	Current 2006 Capital <u>Budget</u>	Revised 2006 Capital <u>Budget</u>
5. Furniture & Equipment	\$225,000	\$225,000G	\$225,000B
TOTAL	\$225,000	\$225,000	\$225,000

and be if further

4th RESOLVED, that the proceeds of \$225,000 in Suffolk Serial Bonds be and they are hereby appropriated as follows:

<u>Project No.</u>	<u>Project Title</u>	<u>Amount</u>
525-CAP-1707.510 (Fund 001-Debt Service)	Replacement of Kodak Scanners	\$225,000

DATED: October 17, 2006

APPROVED BY:

/s/ Paul Sabatino II
Chief Deputy County Executive of Suffolk County

Date: October 20, 2006

Legislator Kennedy made motion for the following resolution, seconded by Legislator Alden. The resolution was passed 17-0-0-1. Deputy Presiding Officer Viloria-Fisher was not present.

Intro. Res. No. 2183A-2006

BOND RESOLUTION NO. 1142 -2006

BOND RESOLUTION OF THE COUNTY OF SUFFOLK, NEW YORK, AUTHORIZING THE ISSUANCE OF \$100,000 BONDS TO FINANCE THE COST OF REPLACEMENT OF KODAK ARCHIVE WRITERS (CP 1689.510)

THE COUNTY LEGISLATURE OF THE COUNTY OF SUFFOLK, NEW YORK, HEREBY RESOLVES (by the favorable vote of not less than two-thirds of all the members of said County Legislature) AS FOLLOWS:

Section 1. The County of Suffolk, New York (herein called the "County"), is hereby authorized to issue bonds in the principal amount of \$100,000 pursuant to the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (referred to herein as the "Law"), the Suffolk County Charter and other applicable laws, to finance the cost of replacement of Kodak archive writers, as authorized in the 2006 Capital Budget and Program, as amended. The estimated maximum cost of the project described herein, including preliminary costs and costs incidental thereto and the financing thereof, is \$100,000. The plan of financing includes the issuance of \$100,000 bonds or bond anticipation notes authorized pursuant to this resolution and the levy and collection of taxes on all the taxable real property in the County to pay the principal of said bonds or notes and the interest thereon as the same shall become due and payable.

Section 2. The period of probable usefulness applicable to the object or purpose for which said bonds are authorized to be issued, within the limitations of Section 11.00 a. 32 of the Law, is five (5) years.

Section 3. The proceeds of the bonds herein authorized, and any bond anticipation notes issued in anticipation of said bonds, may be applied to reimburse the County for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized, or for such expenditures made on or prior to the effective date if a prior statement of intent to issue bonds has been made. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

Section 4. Each of the bonds authorized by this resolution, and any bond anticipation notes issued in anticipation of the sale of said bonds, shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds, and any notes issued in anticipation of said bonds, shall be general obligations of the County, payable as to both principal and interest by a general tax upon all the taxable real property within the County without limitation as to rate or amount. The faith and credit of the County are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds, and any notes issued in anticipation of the sale of said bonds, and provision shall be made annually in the budget of the County by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Resolution No. 320 of 1966, as amended by Resolution No. 81 of 1972, and Section 21.00 of the Law relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and Section 50.00 and Sections 56.00 to 60.00 and 168.00 of the Law, the powers and duties of the County Legislature relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, and relative to executing contracts for credit enhancements and providing for substantially level or declining annual debt service, are hereby delegated to the County Comptroller, the chief fiscal officer of the County.

Section 6. The validity of the bonds authorized by this resolution, and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the County is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such resolution, or a summary thereof, are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- (c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This bond resolution shall take effect immediately upon approval by the County Executive, and the Clerk of the Legislature is hereby authorized and directed to publish the foregoing resolution, in summary or in full, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in the official newspaper(s) of the County.

DATED: October 17, 2006

APPROVED BY:

/s/ Paul Sabatino II
Chief Deputy County Executive of Suffolk County

Date: October 19, 2006

Legislator Kennedy made motion for the following resolution, seconded by Legislator Alden. The resolution was passed 17-0-0-1. Deputy Presiding Officer Viloría-Fisher was not present.

Intro. Res. No. 2183-2006
Introduced by Presiding Officer, on request of County Executive

Laid on Table 9/19/2006

RESOLUTION NO. 1143 -2006, AMENDING THE 2006 CAPITAL BUDGET AND PROGRAM AND APPROPRIATING FUNDS IN CONNECTION WITH THE REPLACEMENT OF KODAK ARCHIVE WRITERS (CP 1689.510)

WHEREAS, the County Clerk has requested funds that have been provided in the Capital Program to replace the existing Kodak archive writers that have exceeded their useful life; and

WHEREAS, this project has been approved by the Information Steering Committee; and

WHEREAS, there are sufficient funds within the 2006 Capital Budget and Program to cover the cost of said request; and

WHEREAS, pursuant to Resolution No. 675-2006, the application of the 5-25-5 Law has been waived during fiscal year 2006, this resolution requests the method of financing be changed for this project; and

WHEREAS, this resolution constitutes an amendment to change the method of financing thereby requiring three-fourths vote of the full membership of the County Legislature, rather than an offset, under Section C4-13 of the Suffolk County Charter; and

WHEREAS, Resolution No. 471-1994 as revised by Resolution No. 571-1998 and reaffirmed by Resolution No. 209-2000, established the used of a priority ranking system, implemented in the Adopted 2006 Capital Budget, as the basis for funding Capital Projects such as this project; and

WHEREAS, the County Legislature by resolution of even date herewith, has authorized the issuance of \$100,000 in Suffolk County Serial Bonds; now, therefore be it

1st RESOLVED, that this Legislature, being the lead agency under the State Environmental Quality Review Act (“SEQRA”), Environmental Conservation Law Article 8, hereby finds and determines that this law constitutes a Type II Action, pursuant to Volume 6 of New York Code of Rules and Regulations (“NYCRR”), the Legislature has no further responsibilities under SEQRA; and be it further

2nd RESOLVED, that it is hereby determined that this project, with a priority ranking of forty-seven (47) is eligible for approval in accordance with the provisions of Resolution No. 471-1994 as revised by Resolution No. 571-1998 and reaffirmed by Resolution No. 209-2000; and be it further

3rd RESOLVED, that the 2006 Capital Budget and Program be and they are hereby amended as follows:

Project No. 1689
Project Title: Replacement of Kodak Archive Writers

	<u>Total Est'd Cost</u>	<u>Current 2006 Capital Budget</u>	<u>Revised 2006 Capital Budget</u>
5. Furniture & Equipment	\$100,000	\$100,000G	\$100,000B
TOTAL	\$100,000	\$100,000	\$100,000

and be if further

4th RESOLVED, that the proceeds of \$100,000 in Suffolk Serial Bonds be and they are hereby appropriated as follows:

<u>Project No.</u>	<u>Project Title</u>	<u>Amount</u>
525-CAP-1689.510 (Fund 001-Debt Service)	Replacement of Kodak Archive Writers	\$100,000

DATED: October 17, 2006

APPROVED BY:

/s/ Paul Sabatino II
Chief Deputy County Executive of Suffolk County

Date: October 19, 2006

Legislator Schneiderman made motion for the following resolution, seconded by Legislator Romaine. The resolution was passed 17-0-0-1. Deputy Presiding Officer Vilorio-Fisher was not present.

Intro. Res. No. 1814-2006
Introduced by Legislators Schneiderman and Romaine

Laid on Table 6/27/2006

RESOLUTION NO. 1145 -2006, ADOPTING LOCAL LAW NO. 55 -2006, A LOCAL LAW TO ENHANCE IMPLEMENTATION AND ENFORCEMENT OF THE "DWI SEIZURE LAW" BY TOWNS AND VILLAGES LOCATED OUTSIDE THE COUNTY POLICE DISTRICT

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on June 27, 2006, a proposed local law entitled, "**A LOCAL LAW TO ENHANCE IMPLEMENTATION AND ENFORCEMENT OF THE "DWI SEIZURE LAW" BY TOWNS AND VILLAGES LOCATED OUTSIDE THE COUNTY POLICE DISTRICT**" now, therefore be it

RESOLVED, that said local law be enacted in form as follows:

LOCAL LAW NO. 55 -2006, SUFFOLK COUNTY, NEW YORK

A LOCAL LAW TO ENHANCE IMPLEMENTATION AND ENFORCEMENT OF THE "DWI SEIZURE LAW" BY TOWNS AND VILLAGES LOCATED OUTSIDE THE COUNTY POLICE DISTRICT

BE IT ENACTED BY THE COUNTY LEGISLATURE OF THE COUNTY OF SUFFOLK, as follows:

Section 1. Legislative Intent.

This Legislature hereby finds and determines that the County's "DWI Seizure Law" (originally enacted by Local Law No. 18-1999) has proven to be a strong deterrent to drunk driving and a useful tool for law enforcement in combating this dangerous problem.

This Legislature also finds that while this law has been effective, town and village law enforcement agencies, which are not part of the Suffolk County Police District, have advised the County of several problems that have emerged as they have attempted to enforce the DWI Seizure statute: the transfer of seized property from the towns and villages to the County is often unreasonably delayed; all hearings mandated under the law are presently held in Central

Islip, which presents a hardship to east end residents and police department personnel that must attend these hearings.

Therefore, the purpose of this local law is to address problems towns and villages have encountered while attempting to implement the DWI Seizure law and to thereby strengthen and enhance the enforcement of this important law.

Section 2. Amendments.

I. Section 270-25 of the SUFFOLK COUNTY CODE is hereby amended as follows:

§ 270-25. Definitions.

As used in this article, the following terms shall have the meanings indicated:

CLAIMING AUTHORITY -- The District Attorney, or his or her designee, and/or the County Attorney, or his or her designee.

INSTRUMENTALITY OF AN OFFENSE -- Any property whose use contributed directly and materially to the commission of an offense as defined in this article.

OFFENSE -- A violation of New York Vehicle and Traffic Law § 1192, Operating a motor vehicle under the influence of alcohol or drugs, Subdivision 2, 3, or 4, or § 1192-a, Operating a motor vehicle after having consumed alcohol; under the age of 21; per se, or a violation of New York Navigation Law § 49-a, Operation of a vessel while under the influence of alcohol or drugs.

OUTSIDE LAW ENFORCEMENT AGENCY -- Any town or village law enforcement agency located in the County of Suffolk that is not part of the Suffolk County Police District.

PROPERTY -- Vehicles, airplanes, boats, vessels, or any personal thing of value or any interest in a thing of value but shall not include real property or any buildings, fixtures, appurtenances and improvements thereon.

II. Section 270-26 of the SUFFOLK COUNTY CODE is hereby amended as follows:

§ 270-26. Warrantless seizures.

* * * *

B. Notice of seizure.

* * * *

(4) When property is seized by an outside law enforcement agency within the Towns of Riverhead, Southold, East Hampton, Southampton or Shelter Island, including seizures within any village located within the geographic boundaries of these towns, the hearings required under this subsection shall be conducted at a location in Riverhead.

(5) A.) Subject to paragraphs (B) and (C) hereunder, when property is seized hereunder by an outside law enforcement agency, the County shall effectuate the transfer of the property from that agency into the custody of the County of Suffolk within five (5) business days of a decision by the neutral Magistrate authorizing the continued retention of the seized property. The claiming authority shall notify the Suffolk County Police Department within 24 hours to effectuate the transfer of the property.

B.) In the event the outside law enforcement agency makes a request to retain the property following forfeiture pursuant to §270-28(A)(5) and said request is granted by the claiming authority, the outside law enforcement agency shall be responsible for the storage of the property until the property is forfeited under this Article.

C.) In the event the outside law enforcement agency makes a request to retain the property following forfeiture pursuant to §270-28(A)(5) and said request is not granted by the claiming authority, the County shall effectuate the transfer of the property from that agency into the custody of the County of Suffolk within five (5) business days of a decision by the claiming authority. The claiming authority shall notify the Suffolk County Police Department within 24 hours of its denial to effectuate the transfer of the property.

* * * *

III. Section 270-28 of the SUFFOLK COUNTY CODE is hereby amended as follows:

§ 270-28. Disposition of forfeited assets and proceeds.

- A. Whenever property is forfeited under this article, the claiming authority, or his or her respective designee, may:
- (1) Retain the property or asset for official use.
 - (2) Sell any forfeited property or asset which is not required to be destroyed by law and which is not harmful to the public.
 - (3) Transfer the property or asset to any County agency, department or other political subdivision demonstrating need for the specific property or asset so that the property or asset may be put into official use by that agency, department or other political subdivision.
 - (4) Transfer the property or asset to any County-funded agency or organization demonstrating need for the specific property or asset so that the property or asset may be put into use by the funded agency or organization in the regular course of business of that funded agency or organization. Any such transfer of forfeited property or assets under this

subsection may result in an in-kind deduction from those funds paid by the County to the specific agency or organization.

- (5) Transfer the property or asset to the outside law enforcement agency that made the original seizure, provided that the outside law enforcement agency has notified the claiming authority, in writing, on or before the hearing date before the Neutral Magistrate, seeking authority to continue retention of the seized property or asset, of its intent to use the property or asset for law enforcement purposes, and a determination has been made by the claiming authority that such use is for legitimate law enforcement purposes. The claiming authority shall provide a written decision to the outside law enforcement agency within fifteen (15) days of receipt of the written request to retain the property or asset. In the event the property or asset is not used for legitimate law enforcement purposes by the outside law enforcement agency, the County may exercise its right to have the property or asset transferred to the Suffolk County impound facility at the County's expense.

B. Distribution of funds generated by sale of forfeited property or assets.

- (1) Any funds generated by the disposition of seized property or assets as described in this article, minus the reasonable and necessary expenses incurred in connection with towing, maintenance, and storage of the assets seized in accordance with this article, shall be distributed as set forth in this section. These funds shall include all fees received from the towing, maintenance, and storage of the assets seized by another law enforcement agency and thereafter transferred to the Suffolk County police impound facility. Whenever an outside law enforcement agency shall transfer a seized asset to the Suffolk County police impound facility it shall be entitled to reimbursement of all costs [the towing fee] actually incurred for towing the seized property or asset to and from their impound area and for paid storage, up to a maximum of \$200, upon disposal of said seized asset, but said reimbursement shall not exceed money actually received by the Suffolk County Police Department for its disposition. In the event the fees collected by the police department upon disposal of said seized asset exceed the actual towing costs incurred, or the \$200 maximum, whichever is less, as the case may be, such excess shall be retained by the Suffolk County Police Department. All reasonable and necessary expenses collected pursuant to this subsection shall be transferred into a police asset forfeiture fund in a separate nonlapsing appropriation for law enforcement purposes.

* * * *

Section 3. Applicability.

This law shall apply to all property seized by an outside law enforcement agency occurring on or after the effective date of this law.

Section 4. Severability.

If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 5. SEQRA Determination.

This Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this law constitutes a Type II action pursuant to Section 617.5(c)(20), (21), and/or (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management and information collection. The Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this law.

Section 6. Effective Date.

This law shall take effect immediately upon filing in the Office of the Secretary of State.

[] Brackets denote deletion of existing language
___ Underlining denotes addition of new language

DATED: October 17, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: November 2, 2006

After a public hearing duly held on October 31, 2006
Filed with the Secretary of State on November 24, 2006

Presiding Officer Lindsay made motion for the following resolution, seconded by Legislator Horsley. The resolution was passed 16-1-0-1. Legislator Barraga voted no. Deputy Presiding Officer Viloría-Fisher was not present.

Intro. Res. No. 2028-2006

Laid on Table 8/8/2006

Introduced by Presiding Officer, on request of County Executive Steve Levy and Legislator Horsley

RESOLUTION NO. 1146 -2006, ADOPTING LOCAL LAW NO. 56 -2006, A LOCAL LAW AUTHORIZING THE ESTABLISHMENT OF A SUFFOLK COUNTY LOCAL DEVELOPMENT CORPORATION FOR THE PURPOSE OF DEVELOPING WI-FI NETWORK IN SUFFOLK COUNTY

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on August 8, 2006 a proposed local law entitled, "**A LOCAL LAW AUTHORIZING THE ESTABLISHMENT OF A SUFFOLK COUNTY LOCAL DEVELOPMENT CORPORATION FOR THE PURPOSE OF DEVELOPING WI-FI NETWORK IN SUFFOLK COUNTY**," and said local law in final form is the same as when presented and introduced; now, therefore, be it

RESOLVED, that said local law be enacted in form as follows:

LOCAL LAW NO. 56 -2006, SUFFOLK COUNTY, NEW YORK

A LOCAL LAW AUTHORIZING THE ESTABLISHMENT OF A SUFFOLK COUNTY LOCAL DEVELOPMENT CORPORATION FOR THE PURPOSE OF DEVELOPING WI-FI NETWORK IN SUFFOLK COUNTY

BE IT ENACTED BY THE COUNTY LEGISLATURE OF THE COUNTY OF SUFFOLK, as follows:

Section 1. Legislative Intent.

This Legislature hereby determines that a need exists within the County of Suffolk to foster new business enterprises that promote long-term economic development.

This Legislature further finds and determines that a WI-FI Network will promote individual achievement, provide jobs and an expanded business base, strengthen neighborhoods, empower families, and support local economies.

This Legislature also finds that the establishment of a Suffolk County local development corporation for a WI-FI Network will give the County an additional tool to spur economic growth and:

- provide outdoor internet services to the residents of Long Island, including local municipalities, schools, nonprofit organizations, and other community organizations;
- ensure universal, affordable or free wireless broadband access throughout Long Island;
- stimulate economic development throughout Long Island through the availability of wireless internet access;

- improve services provided by local governments;
- enhance educational services; and
- encourage competition by introducing an alternative method for broadband service.

Therefore, the purpose of this law is to create a Suffolk County local development corporation for the creation and implementation of a WI-FI Network in Suffolk County.

Section 2. Creation of Local Development Corporation

- A.) The County Executive and/or his designee(s) are hereby authorized, empowered and directed to take all steps necessary to create and cause the incorporation of a not-for-profit Wireless Suffolk County Local Development Corporation (“WSCLDC”) in compliance with Section 1411 of the New York Not-For-Profit Corporation Law.
- B.) The WSCLDC shall be established for the following public purposes of creating, forming, and establishing a local development corporation to:
 - 1.) relieve and reduce unemployment;
 - 2.) promote and provide for additional and maximum employment;
 - 3.) promote, foster and maintain job opportunities;
 - 4.) carry on scientific research for the purpose of aiding Suffolk County by attracting new industry, broadband and wireless internet access service providers to the community;
 - 5.) encourage the development and retention of industry, broadband and wireless internet access services in Suffolk County;
 - 6.) advocate for expansion of business opportunities for the benefit of the community;
 - 7.) develop, advance and stimulate business and commercial interests in Suffolk County;
 - 8.) hold, conduct and organize meetings, discussions and forums to consider community opinion on broadband and wireless internet access;
 - 9.) aid, assist, cooperate, and cosponsor organizations and groups on civic and other programs to improve and promote business opportunities in the Suffolk County community;
 - 10.) construct, acquire, rehabilitate and improve for use by others, industrial and manufacturing plants in the county;
 - 11.) assist manufacturing plants in the county for use by others;

- 12.) maintain industrial or manufacturing plants for others; and
- 13.) acquire by purchase, devise or otherwise dispose of or encumber any such plants or any of its real or personal property or any interest therein.

The lawful public or quasi-public objective which the above business purpose will achieve is to expand business growth in Suffolk County thereby creating employment for the unemployed members of the community.

In furtherance of its corporate purposes, the corporation shall have all the general powers enumerated in Section 202 and Section 1411 of the Not-For-Profit Corporation Law, together with the power to solicit grants and contributions for the corporate purposes.

- C.) In order to achieve its purposes, the WSCLDC shall have the power to:
 - 1.) construct, acquire, rehabilitate and improve for use by others, industrial and manufacturing plants in the County;
 - 2.) assist financially in the construction, acquisition, rehabilitation or improvement of industrial or manufacturing plants in the County for use by others;
 - 3.) maintain industrial or manufacturing plants for others;
 - 4.) acquire, by purchase, lease, gift, bequest, devise or otherwise real or personal property on interests therein;
 - 5.) borrow money and to issue negotiable bonds, notes and obligations therefor, secured only by the full faith and credit of the WSCLDC; and
 - 6.) sell, lease, mortgage or otherwise dispose of or encumber any such plants or any of its real or personal property or any interest therein.
- D.) The WSCLDC shall be established for the purposes described herein and may exercise all powers authorized by Section 1411 of the New York Not-For-Profit Corporation Law that are necessary to fulfill its corporate purpose as set forth in its certificate of incorporation, including, but not limited to, the power to purchase or lease real property owned by the County.
- E.) The County Legislature may by resolution determine that specifically described real property owned by the County is not required for use by the County, and authorize the County to sell or lease such real property to the WSCLDC, provided that a public hearing is held prior to such authorization being granted and that title to such land may not be declared inalienable as a forest preserve or a parkland. Notwithstanding the provisions of any general, special or local law, charter or ordinance to the contrary, such sale or lease may be made:
 - 1.) without appraisal;
 - 2.) without public notice (with the exception of a public hearing held by the Legislature to consider the proposed sale); or public bidding for such

price or rental and upon such terms as may be agreed upon between the County and the WSCLDC; provided, however, that in case of a lease the term may not exceed ninety-nine years.

F.) In addition to the requirements set forth in Section 402 of the New York Not-For-Profit Corporation Law for certificates of incorporation, the certificate of incorporation of the WSCLDC shall state:

- 1.) that all income and earnings of the WSCLDC shall be used exclusively for its corporate purposes or accrue and be paid to the New York Job Development Authority;
- 2.) that no part of the income or earnings of the WSCLDC shall inure to the benefit or profit of, nor shall any distribution of its property or assets be made to any member or private person, corporate or individual, or any other private interest, except that the certificate of incorporation may authorize the repayment of loans and may also authorize the repayment of contributions (other than dues) to the WSCLDC, but only if and to the extent that any such contribution may not be allowable as a deduction in computing taxable income under the Internal Revenue Code of nineteen hundred fifty-four; and
- 3.) that if the WSCLDC accepts a mortgage loan or loans from the New York Job Development Authority, the WSCLDC shall be dissolved in accordance with the provisions of the New York Not-For-Profit Corporation Law Section (g), upon the repayment or other discharge in full by the WSCLDC of all such loans; and
- 4.) the duration of the WSCLDC shall be for a period of five (5) years as measured from the date of incorporation.

G.) The WSCLDC shall have five directors appointed as follows:

- 1.) three (3) directors shall be appointed by the County Legislature as follows:
 - a.) one (1) director shall be appointed by the Presiding Officer of the Suffolk County Legislature for a term of three (3) years;
 - b.) one (1) director shall be appointed by the Presiding Officer of the Suffolk County Legislature in consultation with the Presiding Officer of the Nassau County Legislature for a term of three (3) years; and
 - c.) one (1) director shall be appointed by the Minority Leader of the County Legislature for a term of three (3) years, measured by the political party having the second highest number of Suffolk County Legislators affiliated with said party.

- 2.) two (2) directors shall be appointed by the Suffolk County Executive for a term of three (3) years;

Among their other duties, the directors shall seek responses from the private sector to construct a wireless service, which system shall include::

- Network infrastructure procurement
- Architecture and design services
- Installation services
- Telecommunications provisioning services
- Network monitoring and management services
- Network maintenance and upgrade services
- Operations Support Systems services
- Customer Service and technical support services
- Software hosting services
- Program and project management services

- H.) The WSCLDC shall be a Type C corporation whose income and operations shall be tax exempt.

Section 3. Implementation.

The Suffolk County Department of Information Technology shall assist the WSCLDC in implementing and carrying out the policies and programs approved by the WSCLDC's Board of Directors.

Section 4. Applicability.

This law shall apply to any actions occurring on or after the effective date of this law.

Section 5. Severability.

If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 6. SEQRA Determination.

This Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this law constitutes a Type II action pursuant to Section 617.5(c)(20) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management and information collection. The Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this law.

Section 7. Effective Date.

This law shall take effect immediately upon filing in the Office of the Secretary of State.

DATED: October 17, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: November 2, 2006

After a public hearing duly held on October 31, 2006
Filed with the Secretary of State on November 24, 2006

Legislator Stern made motion for the following resolution, seconded by Legislator Montano. The resolution was passed 17-0-0-1. Deputy Presiding Officer Viloria-Fisher was not present.

Intro. Res. No. 2163-2006
Introduced by Legislator Stern

Laid on Table 9/19/2006

**RESOLUTION NO. 1147 -2006, AMENDING THE 2006
OPERATING BUDGET AND TRANSFERRING FUNDS TO
VARIOUS AGENCIES**

WHEREAS, insufficient funding was included in the 2006 Adopted Operating Budget to fund St. Matthews Parish Outreach and Huntington Breast Cancer Action Coalition; and

WHEREAS, Section 4-31 (G) of the Suffolk County Charter now allows amendment of the County Operating Budget by County Legislators four times during the fiscal year as long the amendment reduces, lowers, terminates or cancels appropriations; abolishes

positions of employment; terminates contract agencies; terminates or reduces the size of County programs or departments, or makes transfers of appropriations that are offset by reductions in other programs; now, therefore be it

RESOLVED, that the 2006 County Operating Budget is hereby amended as follows and that the County Comptroller and the County Treasurer be and hereby are authorized to transfer the following funds and authorizations

APPROPRIATIONS:

FROM:

<u>FD</u>	<u>AGY</u>	<u>X-Org</u>	<u>R-Org</u>	<u>OBJ</u>	<u>ORG Name</u>	<u>Amount</u>
001	DPW	GXP1	1490	4980	Suffolk Comm Council Transp Advcy	-\$2,952
001	EXE	HTJ1	7320	4980	St. Matthews Athletic Department	-\$3,000

TO:

<u>FD</u>	<u>AGY</u>	<u>X-Org</u>	<u>R-Org</u>	<u>OBJ</u>	<u>ORG Name</u>	<u>Amount</u>
001	DSS	XXXX	6004	4980	St. Matthews Parish Outreach	+\$3,000
001	HSV	HMY1	4100	4980	Huntington Breast Cancer Action Coalition	+\$2,952

and be it further

RESOLVED, that the moneys appropriated pursuant to this resolution shall be used for the sole and exclusive purpose of funding St. Matthews Parish Outreach and the Huntington Breast Cancer Action Coalition; and be it further

RESOLVED, that the County Executive's Budget Office is authorized to assign appropriate pseudo codes as necessary.

DATED: October 17, 2006

APPROVED BY:

/s/ Paul Sabatino II
Chief Deputy County Executive of Suffolk County

Date: October 19, 2006

Presiding Officer Lindsay made motion for the following resolution, seconded by Legislator Mystal. The resolution was passed 17-0-0-1. Deputy Presiding Officer Vilorio-Fisher was not present.

Intro. Res. No. 2191-2006
Introduced by Presiding Officer Lindsay

Laid on Table 10/17/2006

RESOLUTION NO. 1148 -2006, APPROVING THE PURCHASE OF ONE REPLACEMENT VEHICLE IN ACCORDANCE WITH SECTION 186-2(B)(6) OF THE SUFFOLK COUNTY CODE AND IN ACCORDANCE WITH THE COUNTY VEHICLE STANDARD

WHEREAS, Resolution No. 321-2003 requires that no vehicle shall be purchased or leased unless "explicit approval for the acquisition of such vehicles, via lease or purchase, has been granted via duly enacted Resolution of the Suffolk County Legislature"; and

WHEREAS, the 2006 Adopted Operating Budget includes funds sufficient to cover the purchase of a replacement van used for the delivery and distribution of supplies, materials and messenger services distributed among various locations including 18 district offices and two County centers; and

WHEREAS, the odometer reading on the current vehicle is in excess of 120,000 miles and is well within the replacement criteria established for replacement of County vehicles; and

WHEREAS, frequent breakdowns of the current vehicle have resulted in lost productivity and replacement is necessary to assure safe and efficient messenger and delivery services; now, therefore be it

1st RESOLVED, that the purchase of one replacement mini van is hereby approved, pursuant to Section 186-2(B)(6) of the SUFFOLK COUNTY CODE, and in accordance with the County vehicle standard; and be it further

2nd RESOLVED, that the Suffolk County Department of Public Works is hereby authorized, empowered, and directed, pursuant to §8-2(W) of the SUFFOLK COUNTY CHARTER, to purchase the replacement van.

DATED: October 17, 2006

APPROVED BY:

/s/ Paul Sabatino II
Chief Deputy County Executive of Suffolk County

Date: October 25, 2006

Presiding Officer Lindsay made motion for the following resolution, seconded by Legislator Eddington. The resolution was passed 17-0-0-1.

Intro. Res. No. 2223-2006
Introduced by Legislator Lindsay

Laid on Table 10/17/2006

RESOLUTION NO. 1149-2006, AUTHORIZING PLANNING STEPS FOR IMPLEMENTATION OF SUFFOLK COUNTY WORKFORCE HOUSING PROGRAM (SCTM NO. 0500-356.00-04.00-018.000)

WHEREAS, Article XXXVI of the SUFFOLK COUNTY ADMINISTRATIVE CODE establishes the County’s Workforce Housing Program; and

WHEREAS, Section 36-2(C) of said Article authorizes land to be acquired by the County through the use of Capital Bond proceeds (CP 8704 and/or CP 7177); and

WHEREAS, the County Department of Economic Development and Workforce Housing and the Town of Islip have identified a site known as Suffolk County Tax Map No. 0500-356.00-04.00-018.000, which would be appropriate for development as workforce housing; and

WHEREAS, the Town of Islip has expressed an interest in partnering with the County of Suffolk to provide workforce housing at this location; now, therefore be it

1st RESOLVED, that this Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this constitutes a Type II action pursuant to Section 617.5(c) (18), (20), (21) and (27) of the NEW YORK CODE OF RULES AND REGULATIONS (NYCRR) in that the resolution authorizes information collection and preliminary planning processes necessary to formulate a proposal for an action, but does not commit the County to commence or approve an action and because the resolution constitutes routine or continuing agency administration; since this law is a Type II action, the Legislature has no further responsibilities under SEQRA; and be it further

2nd RESOLVED, that this Legislature hereby finds that the parcel known as 0500-356.00-04.00-018.000 meets the acquisition and infrastructure funding requirements of the County Workforce Housing Program and the need to fill the critical shortage of workforce housing in Suffolk County; and be it further

3rd RESOLVED, that the Director of Affordable Housing within the Suffolk County Department of Economic Development and Workforce Housing, is hereby authorized, empowered and directed, pursuant to Section 14-10(B) of the SUFFOLK COUNTY CHARTER, to plan for the acquisition of and/or infrastructure improvements for the parcel listed herein below:

<u>PARCEL:</u>	<u>SUFFOLK COUNTY TAX MAP NUMBER:</u>	<u>ACRES:</u>	<u>REPUTED OWNER AND ADDRESS:</u>
No. 1	District 0500 Section 356.00 Block 04.00 Lot 018.000	5.1	Glory Zone Ministries 44 Dunkirk Street Deer Park, NY 11729

and be it further

4th RESOLVED, that the County Department of Economic Development and Workforce Housing, the Division of Real Property Acquisition and Management, and the County Department of Law are hereby authorized, empowered and directed to take such other actions

as may be necessary and appropriate to accomplish such planning purposes, including, but not limited to, securing appraisals, surveys, engineering reports, environmental audits, title search and to utilize such valid appraisals for the subject parcels as may be made available to the County by any pertinent municipality, either voluntarily or upon request by the County of Suffolk; and be it further

5th RESOLVED, that the Director of Affordable Housing within the Suffolk County Department of Economic Development and Workforce Housing is hereby authorized, empowered and directed to take such other actions as may be necessary and appropriate to process such application; and be it further

6th RESOLVED, that the County of Suffolk may reimburse any municipality, whose appraisal is utilized for the above-described purpose, for the cost of obtaining such appraisal in the event that the County elects to utilize such appraisals for the subject parcel; and be it further

7th RESOLVED, that any unencumbered, unallocated funds available upon the execution of a binding Development Agreement between the County of Suffolk and the Town of Islip, shall be appropriated to future and subsequent Workforce Housing Program projects.

DATED: October 17, 2006

APPROVED BY:

/s/ Paul Sabatino II
Chief Deputy County Executive of Suffolk County

Date: October 25, 2006

Legislator Mystal made motion for the following resolution, seconded by Legislator Stern. The resolution was passed 17-0-0-1. Deputy Presiding Officer Vilorio-Fisher was not present.

Intro. Res. No. 2257-2006

Laid on Table 10/17/2006

Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 1150 -2006, TO APPROVE THE PURCHASE OF ONE (1) REPLACEMENT VEHICLE IN THE SUFFOLK COUNTY DEPARTMENT OF HEALTH SERVICES WITH 100% GRANT FUNDS

WHEREAS, Resolution No. 321-2003 requires that no vehicle shall be purchased or leased unless "explicit approval for the acquisition of such vehicle, via lease or purchase, has been granted via duly enacted Resolution of the County of Suffolk Legislature"; and

WHEREAS, Resolution No. 726-2006 accepted and appropriated the Federal grant funds passed through the New York State Department of Health for the Migrant Health Program; and

WHEREAS, the Migrant Health Program grant specifically includes sufficient funds for the purchase of this replacement vehicle; and

WHEREAS, the vehicle will be acquired, via purchase, off the State contract or County contract; and

WHEREAS, the replacement vehicle, a passenger van, will enable the migrant population to access health services for the Migrant Health Program at the Riverhead Health Center and the Migrant Clinic, and will also be used by Migrant Health Program staff to deliver medications, educational sessions and health assessments; now, therefore be it

1st RESOLVED, that the Suffolk County Department of Health Services is authorized to initiate the process for the purchase of replacement for Fleet Number 25572 through the Purchase Requisition process; and be it further

2nd RESOLVED, that the Department of Public Works, Purchasing Division, in adherence with the New York State General Municipal Law, is hereby authorized to conduct a formal sealed bid process, in which the specifications for these vehicles will comply with the "County Vehicle Standard"; and be it further

3rd RESOLVED, that there will be no increase in the Department's vehicle fleet as a result of this Resolution.

DATED: October 17, 2006

APPROVED BY:

/s/ Paul Sabatino II
Chief Deputy County Executive of Suffolk County

Date: October 19, 2006

Legislator Losquadro made motion for the following resolution, seconded by Legislator Romaine. The resolution was passed 17-0-0-1. Deputy Presiding Officer Vioria-Fisher was not present.

Intro. Res. No. 2270-2006
Introduced by Legislator Losquadro

Laid on Table 10/17/2006

**RESOLUTION NO. 1151 -2006, AUTHORIZING CERTAIN
TECHNICAL CORRECTIONS TO THE 2006 ADOPTED
OPERATING BUDGET FOR KEVIN WILLIAMS MEMORIAL
FOUNDATION**

WHEREAS, the 2006 Adopted Operating Budget provides funding for the contracted agency Kevin Williams Memorial Foundation; and

WHEREAS, the 2006 Operating Budget when adopted contained technical errors; and

WHEREAS, the County Legislature desires technical corrections to the 2006 Operating Budget; now, therefore be it

RESOLVED, that the 2006 Adopted Operating Budget be and it hereby is corrected as follows:

APPROPRIATIONS:

FROM:

<u>FD</u>	<u>AGY</u>	<u>X-Org</u>	<u>R-Org</u>	<u>OBJ</u>	<u>ORG Name</u>	<u>AMOUNT</u>
001	ECD	HNH1	6410	4980	KEVIN WILLIAMS MEMORIAL FOUNDATION	-\$6,000

TO:

<u>FD</u>	<u>AGY</u>	<u>X-Org</u>	<u>R-Org</u>	<u>OBJ</u>	<u>ORG Name</u>	<u>AMOUNT</u>
001	EXE	XXXX	7320	4980	KEVIN WILLIAMS MEMORIAL FOUNDATION	+\$6,000

and be it further

RESOLVED, that the moneys appropriated pursuant to this resolution shall be used exclusively for public benefit and for the sole purpose of funding the aforementioned contract agency; and be it further

RESOLVED, that the County Executive's Budget Office is authorized to assign a pseudo code to the Kevin Williams Memorial Foundation.

DATED: October 17, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: November 2, 2006

ADJOURNED 7:07PM
TIM LAUBE, CLERK OF THE LEGISLATURE